



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson Reggie Harris
Vice Chair Jeff Cramerding
Councilmember Mark Jeffreys
Councilmember Scotty Johnson
Vice Mayor Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Meeka Owens
Councilmember Seth Walsh
President Pro Tem Victoria Parks

Tuesday, June 20, 2023

1:00 PM

Council Chambers, Room 300

AGENDA

COMMUNITY REINVESTMENT AREA AGREEMENTS

1. [202301584](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with West End Empire, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of \$752,844.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

2. [202301585](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

3. [202301609](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 6/12/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority, thereby authorizing a ten-year tax exemption for 100 percent of the value of improvements made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, at a total construction cost of approximately \$1,179,802.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachment](#)

AMENDMENTS

4. [202301655](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AMENDING** Ordinance No. 352-1984, which established Fund No. 436, "Environmental Studies," to change the name of the fund to "Environment and Sustainability," and to expand the purpose of the fund to enable the City to receive and expend funds, including but not limited to grants, donations, settlements, fees, revenue from City-administered programs, and other sources of funding, in support of the projects and needs of the Office of Environment and Sustainability (or its successor) and the Green Cincinnati Plan.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

TRANSFERS AND APPROPRIATIONS

5. [202301643](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **Establishing** new capital improvement program project account no. 980x195x231907, "Golf Course Improvements," to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement; and further **AUTHORIZING** the transfer and appropriation of \$600,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no.

980x195x231907, "Golf Course Improvements," to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

6. [202301650](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **ESTABLISHING** a new capital improvement program project account no. 980x981x232522, "Fleet Replacements - Obsolete," for the purpose of acquiring automotive and motorized equipment funded by sale proceeds of obsolete automotive and motorized equipment; and **AUTHORIZING** the transfer and appropriation of \$538,964.95 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to the newly established capital improvement program project account no. 980x981x232522, "Fleet Replacements - Obsolete."

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

7. [202301756](#) **ORDINANCE (EMERGENCY)**, submitted by Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer and return to source of \$23,000 from Councilmember Cramerding's Office General Fund personnel operating budget account no. 050x018x7100 and \$3,900 from Councilmember Cramerding's Office General Fund non-personnel operating budget account no. 050x018x7200 to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer of \$26,900 from the unappropriated surplus of General Fund 050 to existing capital improvement program project account no. 980x203x232000, "Park Infrastructure Rehabilitation," to provide resources for deferred capital maintenance at Cincinnati Parks Department facilities.

Sponsors: Cramerding

Attachments: [Transmittal](#)
[Ordinance](#)

PAYMENTS

8. [202301641](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **Authorizing** the payment of \$13,146.49 from capital improvement program project account no. 980x164x0000x7685x211607, "Neighborhood Business District Improvements," to Wausau Tile, Inc. as a moral obligation of the City of Cincinnati for installing Tectura Nest benches in the Clifton Heights neighborhood in partnership with the Clifton Heights Community Urban Redevelopment Corporation.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

9. [202301644](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** a payment of \$12,000 to the Building & Fire Code Academy as a moral obligation for outstanding charges related to training provided to inspectors for the Department of Buildings and Inspections, to be paid from Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x211x9000x7215.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

GRANTS AND DONATIONS

10. [202301603](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate funds, effective FY 2024, of up to \$10,519.20 from the State of Ohio Department of Development's TechCred Credential Reimbursement Program for eligible costs incurred by the Cincinnati Police Department in providing its employees with technology-focused credentials; and **AUTHORIZING** the Director of Finance to deposit the reimbursed funds into General Fund revenue account no. 050x8533.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

11. [202301606](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$400,000, effective FY 2024, from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 Implementing Crisis Intervention Teams Grant Program (ALN 16.710), to expand the Cincinnati Police Department Veterans Response Team; and **AUTHORIZING** the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23CIT.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

12. [202301607](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, from the U.S.

Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (ALN 16.835) to assist with expansion of the Cincinnati Police Department's existing Body-Worn Camera Program; and AUTHORIZING the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23BWC.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

13. [202301608](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, in Federal FY 2023 Preventing School Violence: STOP School Violence Program (SSVP) funds from the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.839), to develop and operate school safety strategies to improve school safety; and AUTHORIZING the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SSVP.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

14. [202301639](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of \$89,695 from the Ohio Department of Health, Office of Health Preparedness (ALN 93.069) to support the planning and implementation of emergency preparedness Cities Readiness Initiative activities in Southwest Ohio from July 1, 2023 through June 30, 2024; and AUTHORIZING the Director of Finance to deposit the grant funds into Public Health Research Fund 350, effective FY 2024.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

15. [202301640](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$125,000 from the Ohio Department of Health's Lead Exposure Prevention and Healthy Homes Program, to assist with control of lead paint, dust, and soil hazards in residential properties as well as providing lead poisoning prevention education and training throughout the community; and AUTHORIZING

the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

16. [202301649](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$600,000 from the Ohio Department of Health Lead-Safe Housing Fund for the Primary Prevention Grant program, which supports local communities in lead primary prevention activities; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

17. [202301652](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$11,770 from the Ohio Environmental Protection Agency for the purpose of providing funds to be used to investigate the prevalence of mosquito vectors and the incidence of infection in the mosquito populations, to identify density locations for mosquito vector species, and to educate communities in the immediate area on how to reduce the mosquito populations; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

18. [202301642](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting food waste from landfills and creating compost.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

19. [202301648](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City

Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$334,440 from the United States Department of Energy through the Energy Efficiency and Conservation Block Grant Program (ALN 81.128) to Environment and Sustainability Fund 436 to develop and implement energy efficiency and conservation programs at City facilities; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Environment and Sustainability Fund revenue account no. 436x8543.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

20. [202301654](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for a grant of up to \$1,500,000 from the United States Department of Transportation (“USDOT”) through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to provide resources to install electric vehicle charging infrastructure at City-owned properties located in USDOT Transportation Disadvantaged Census Tracts.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

21. [202301667](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **ESTABLISHING** capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce - Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources of up to \$125,000 from the State of Ohio, Department of Transportation (ODOT) Office of Jobs and Commerce to capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce - Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce - Grant.”

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

22. [202301668](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to apply for,

accept, and appropriate grant resources of up to \$4,000, effective FY 2024, from the State of Ohio, Department of Development's TechCred Credential Reimbursement Program to Enterprise Technology Solutions non-personnel operating budget account 050x091x7200 for eligible costs to certify two Enterprise Technology Solutions (ETS) staff members as OnBase System Administrators; and AUTHORIZING the Director of Finance to deposit the grant funds into General Fund revenue account no. 050x8539.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

23. [202301647](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$35,367.38 from the Cincinnati Recreation Foundation to fund scholarships for participants enrolled in the Cincinnati Recreation Commission's summer day camp between June 1, 2022 and August 12, 2022; and AUTHORIZING the Director of Finance to deposit the donated resources into Recreation Special Activities Fund 323 revenue account no. 323x8571.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

24. [202301656](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to accept in-kind donations and contributions of supplies and professional services from the Cincinnati Recreation Foundation valued at approximately \$56,500 for use at various recreation facilities and events; AUTHORIZING the City Manager to accept in-kind donations of a park bench and plaque from the South Cumminsville Community Council valued at \$500 for installation at Wayne Field and Playground; AUTHORIZING the City Manager to accept in-kind donations of garden fencing, shed equipment, and other landscaping materials and labor from the Bond Hill Community Council valued at approximately \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area; AUTHORIZING the City Manager to accept and appropriate a monetary donation of \$35,000 from the Avondale Development Corporation and Fifth Third Bank to provide resources for Hirsch Recreation Center Summer Day Camp programming; AUTHORIZING the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources to provide resources for summer programming, including day camps, aquatics programming,

and Youth to Work celebrations; and AUTHORIZING the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

25. [202301657](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of goods and professional services provided by the Cincinnati Reds Community Fund, valued at approximately \$40,000, for the purpose of a Community Makeover revitalization of the Cincinnati Recreation Commission's Bramble sports field and recreation area.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

26. [202301658](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation totaling \$600,000 from the Cincinnati Park Board Commissioners' Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory's gift shop inventory, and other vital costs associated with running the City's parks; and AUTHORIZING the Finance Director to deposit the resources into Parks Private Endowment and Donations Fund 430.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

27. [202301753](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/20/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation, effective FY 2024, of up to \$5,000 from the American Federation of State, County and Municipal Employees (AFSCME) Council 8 Local 1543 to City Manager's Office General Fund non-personnel operating budget account no. 050x101x7300 to provide resources for swimwear, sandals, and aquatics equipment for children in need at Cincinnati Recreation Commission aquatic facilities; and AUTHORIZING the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

28. [202301752](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/20/2023, **AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money, sponsorships, in-kind contributions, team registration fees, vendor fees, and other things of value from the Cincinnati business community, individual benefactors, and other appropriate sources to provide resources to support the annual 3 on 3 Basketball Tournament; and **AUTHORIZING** the Director of Finance to deposit the resources donated to or generated by the event into Fund No. 319, "Contributions for Recreation Purposes."

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

POLICE RECRUIT REFERRAL BONUS PROGRAM

29. [202301636](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/14/2023, **AUTHORIZING** the City Manager to establish a Cincinnati Police Department Referral Bonus program, providing individuals with a bonus of up to \$1,000 per referral under criteria established by the City Manager to ensure consistency and prevent abuse, to recruit and retain qualified employees to the position of Police Recruit within the Cincinnati Police Department.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

REPORTS

30. [202301679](#) **REPORT**, dated 6/14/2023, submitted Sheryl M. M. Long, City Manager, regarding the Department of Finance Reports for the Month Ended April 30, 2023.

Sponsors: City Manager

Attachments: [Report](#)
[Attachment I](#)
[Attachment II](#)

MOTIONS

31. [202301665](#) **MOTION**, submitted by Councilmember Walsh, **WE MOVE** that the administration prepare a report updating council on the Neighborhood VTICA program providing us with projected funding per neighborhood as it currently stands and the projected amount of funding over the span of the existing agreements. We would ask that the report also include recommendations on potential options that would allow for the Neighborhood VTICA to expand opportunities to all our neighborhood such as the legality and feasibility of changing the current 7.5% Neighborhood VTICA currently returning to the neighborhood it is generated in to a larger pot of money for all neighborhoods.

We ask that the report be done during summer recess with completion aimed at September 4, 2023.

Sponsors: Walsh

Attachments: [Motion](#)

ADJOURNMENT

June 7, 2023

To: Mayor and Members of City Council

202301584

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Commercial CRA – 2151 Colerain Avenue

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with West End Empire, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of \$752,844.

BACKGROUND/CURRENT CONDITIONS

The property at 2151 Colerain Avenue is a blighted and vacant multifamily building in the West End neighborhood in Cincinnati. West End Empire, LLC (the “Developer”) submitted a Commercial CRA Application seeking city assistance to rehabilitate the property. The renovation will consist of the rehabilitation of the building into six (6) two-bedroom units with rents affordable to households not to exceed 60% of the area median income.

DEVELOPER INFORMATION

The project is led by 2151 Colerain LLC, an affiliate of West End Empire, LLC. West End Empire LLC is a newly developed company focused on the acquisition and revitalization of property in the Cincinnati market. The company is committed to investing in blighted areas and assisting in the city's efforts to bring communities back to life. The company's ownership shares over 35 years of development and construction expertise in the surrounding local and national markets.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance so financial closing and construction can commence as soon as possible after passage.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	2151 Colerain Avenue
Street Address	2151 Colerain Avenue
Property Condition	The property address is 2151 Colerain Avenue and is in the West End neighborhood. This project consists of the rehabilitation of a very old building and will revitalize six (6) two-bedroom units at rents not to exceed 60% AMI and will maintain the affordability through the tax abatement term.
Neighborhood	West End
Incentive Application Process	Commercial CRA (Non-LEED)
Recent or other projects by Developer	West End Empire is a newly developed company focused on the acquisition and re-vitalization of property in the Cincinnati market. The company is committed to investing in blighted areas and assisting in the city's efforts to bring communities back to life. The company's ownership shares over 35 years of development and construction expertise in the local, as well as national markets.
Approval at planning commission/Neighborhood support	Planning Commission approval is not applicable.
Plan Cincinnati Goals	Achieves the Sustain Initiative Goal 2 (page 180 by preserving our built history) and Live Initiative Goal 3 (page 148 by providing quality healthy housing for all income levels) of Plan Cincinnati

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	15-year, net 67%
Construction Cost & Private investment committed	Approximately \$750,000 in hard construction costs, with \$300,000 from the Affordable Housing Trust Fund.
Sq. Footage by Use	Approximately 4,500 SF of Residential space
Number of units and rental ranges	Six residential two-bedroom units with rents that range \$1,150-\$1,289 per month based on size; rents will not exceed what is affordable to 60% AMI during the abatement term.
Jobs created/retained and payroll (living wage)	The project is anticipated to create 1 FTE at an estimated \$40,000 annual payroll and 30 Construction jobs at an estimated \$435,000 annual payroll.
"But For"	This project would not proceed without abatement and without a financial subsidy; the project is undercapitalized with a \$300,000 request in gap financing from Affordable Housing Trust Fund.
Cash on Cash Return for developer (Market return between 8-12%,	Without Abatement: average 14% (Over 15yr Term) With Abatement: average 20% (Over 15yr Term) *Although the project has anticipated higher cash on return of around 20% with the abatement, the developer is not paying

depends on investment risk)	themselves a developer fee. If they were to pay themselves a developer fee of around 10%, then their rate of return would be in line with 14% with an abatement and 6% without an abatement.
LEED or other environmental build	Non-LEED
Neighborhood VTICA	No Neighborhood VTICA with the investment of the trust fund and extended affordability
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$0.61 of new CPS/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$15,098
MBE/WBE Goals	30% SBE
Transit Access/Walkability	The project site sits along metro bus routes 27, and 31, and is ¼ mile from Linn Street.
Geography	Located in the West End Neighborhood Revitalization Strategy Area
Historic Preservation/Existing Building Renovation	This project will renovate one blighted building, preserving, and placing it into productive use.
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$1,289.00	\$51,560.00	Senior Plant Operator, Service Crew Leader, Water Customer Service Representative, Water Works Maintenance Worker
\$1,150.00	\$46,000.00	Supervisor of Inspections, Administrative Technician, Supervisor of Maintenance, Supervisor of Water Customer Service,

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

EMERGENCY

ZDS

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with West End Empire LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of approximately \$752,844.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, West End Empire LLC (the “Company”) desires to remodel an existing building on real property at 2151 Colerain Avenue located within the corporate boundaries of the City of Cincinnati into approximately 4,500 square feet of residential space consisting of six rental units (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to

100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City's Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$8,622; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with West End Empire LLC (the "Agreement"), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 2151 Colerain Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, to be completed at a total construction cost of approximately \$752,844.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the "City") in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with R.C. Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and WEST END EMPIRE LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 2151 Colerain Avenue, Cincinnati, Ohio 45214 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.

- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, nor any related member of the Company nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- P. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel an existing building on the Property into approximately 4,500 square feet of residential space consisting of 6 rental units (the "Improvements") at an estimated aggregate cost of \$752,844 to commence after the execution of this Agreement and to be completed no later than August 31, 2024; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up

to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "ADA"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2038 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 1 full-time permanent job and (ii) 30 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$40,000 of additional annual payroll with respect to the full-time permanent job and (ii) \$435,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this

Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon

which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671 has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (*Default*) and the basis for revocation under Section 18 (*Revocation*). Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63, or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

West End Empire LLC
Attention: Erik Carlson
3040 Westbourne Dr
Cincinnati, OH 45248

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May

17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

WEST END EMPIRE LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Address: 2151 Colerain Avenue

Auditor's Parcel ID No.: 184-0006-0214-00

Lying and being in the City of Cincinnati, County of Hamilton and State of Ohio, to-wit:

Lot Number Sixty-Seven (67) on the plat of John W. Coleman's Subdivision of a part of a tract of fifteen and four tenths (15-4/10) acres of land in Section 19, Town 3, Fractional Range 2, Miami Purchase, as recorded in Plat Book 1, Page 16 of the records in the Office of the Recorder of Hamilton County, Ohio.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 7, 2023

To: Mayor and Members of City Council

202301585

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with 700 Chalfonte Holdings, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

BACKGROUND/CURRENT CONDITIONS

The property at 700 Chalfonte Place is a vacant multifamily building in the Avondale neighborhood in Cincinnati. In January 2023, 700 Chalfonte Holdings, LLC (the “Developer”) submitted a Commercial CRA Application seeking city assistance to rehabilitate the property. The renovation will create five (5) studio apartment units and eighteen (18) three-bedroom units. Upon completion, 100% of the twenty-three (23) apartment units will be affordable to households earning thirty percent (30%) to sixty percent (60%) of the area median income.

DEVELOPER INFORMATION

The project is led by 700 Chalfonte Holdings, LLC, a subsidiary of Yolo Investments LLC. Yolo Investments, LLC is managed by Nadav Livne, who has ten (10) years of real estate experience and has completed renovations of residential homes and apartment buildings in the City of Cincinnati, specifically in the neighborhoods of Madisonville, Evanston, West End, and the Central Business District. More recently, the Developer has completed an eighteen (18) unit property at 542 Prospect Place and a twenty-two (22) unit at 1631 Sparkle Drive.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance for the Developer to close their financing and begin construction as soon as possible after passage.

Commercial CRA
1001-1007 Dayton Street

Page 2 of 4

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	700 Chalfonte Holdings
Street Address	700 Chalfonte Place
Property Condition	The property is currently vacant
Neighborhood	Avondale
Incentive Application Process	Commercial CRA (Non-LEED)
Recent or other projects by Developer	- 542 Prospect Place, 18 units -1631 Sparkle Drive, 22 units
Approval at planning commission/Neighborhood support	Planning Commission approved a local historic designation of the building on February 3, 2023, The executive committee of the Avondale Community Council supports the developer's plans for the site.
Plan Cincinnati Goals	Achieves the Sustain Initiative Area Goal 2 (pages 193-198) and Live Initiative Area Goal 3 (pages 164-177) of <i>Plan Cincinnati</i> (2012).

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	15-year, net 52%
Construction Cost & Private investment committed	Approximately \$1.3 Million in hard construction costs, with \$600,000 from State Historic Tax Credits. The private investment totals approximately \$1.9 million.
Sq. Footage by Use	20,080 SF of Residential space
Number of units and rental ranges	23 Units (5 studios, 18 3-BR), monthly rent ranges between \$550 - \$950, the Developer is committed to keeping rents affordable to households earning 60% AMI or below.

Jobs created/retained and payroll (living wage)	The project is anticipated to create 2 FTE at an estimated \$80,000 annual payroll and 8 Construction jobs at a \$550,000 annual payroll.
“But For”	The project would not proceed without an abatement, given the lower rents being affordable to households earning between 30% to 60% AMI.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: average 4% (Over 15-year Term) With Abatement: average 10% (Over 15-year Term)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Neighborhood VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$1.13 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$36,450
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	The project site sits along metro bus routes 51, 43, 46 and is ¼ mile from Reading Rd.
Geography	Located in the Avondale Neighborhood Revitalization Strategy Area
Historic Preservation/Existing Building Renovation	This project will renovate one blighted building, preserving and placing it into productive use.
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$550.00	\$22,000.00	Municipal Worker, Home Health Aide, Police Recruit, Admin Tech
\$950.00	\$38,000.00	Health Caseworker, Video Production Specialist, Lifeguard, Pool Monitor, Community Center Director 2

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

EMERGENCY

EVK

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units, containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, 700 Chalfonte Holdings LLC (the “Company”) desires to remodel an existing building into 23 rental units, containing approximately 20,080 square feet of residential space on real property at 700 Chalfonte Place located within the corporate boundaries of the City of Cincinnati (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to

review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City's Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$12,011; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to fifteen percent of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with 700 Chalfonte Holdings LLC (the "Agreement"), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 700 Chalfonte Place in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into 23 rental units, containing approximately 20,080 square feet of residential space, to be completed at a total construction cost of approximately \$1,346,861.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the "City") in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and

- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), and 700 CHALFONTE HOLDINGS LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 700 Chalfonte Place, Cincinnati, Ohio 45229 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed the remodeling of a building located on the Property within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"); provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. The Company acknowledges that the Avondale neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the Avondale neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the Avondale neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- P. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property into 23 rental units, containing approximately 20,080 square feet of residential space (the "Improvements") at an estimated aggregate cost of \$1,346,861 to commence after the execution of this Agreement and to be completed no later than June 30, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the

Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code (“CMC”) Section 323-1-S, “SBEs”). Pursuant to CMC Section 323-11, the City’s annual goal for SBE participation shall be thirty percent (30%) of the City’s total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City’s goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City’s Department of Economic Inclusion. The Company may refer interested firms to the City’s Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.
- (vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 2 full-time permanent jobs, and (ii) 8 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$80,000 of additional annual payroll with respect to the full-time permanent jobs, (ii) \$550,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (Default) and the basis for revocation under Section 18 (Revocation). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Yolo Investments
Attention: Nadav Livne, Member
11711 Princeton Pike, Suite 341-331
Cincinnati, Ohio 45248

With copy to:

Finney Law Firm, LLC
Attention: Eli N. Krafft-Jacobs, Esq.
4270 Ivy Pointe Boulevard, Suite 225
Cincinnati, Ohio 45245

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of

the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the

Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

700 CHALFONTE HOLDINGS LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 700 Chalfonte Place, Cincinnati, Ohio 45229

Auditor's Parcel No.: 112-0004-0018-00

PARCEL I

SITUATED IN THE CITY OF CINCINNATI, IN THE COUNTY OF HAMILTON AND STATE OF OHIO, TO-WIT:

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2; MIAMI PURCHASE, IN MILLCREEK TOWNSHIP, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 230.13 FEET NORTHERLY FROM GHOLSON AVENUE WHICH STAKE IS AT THE NORTHWEST CORNER OF LOT SIX (6) ON PLAT OF SUBDIVISION MADE BY ROBERT ANDREWS, RECORDED IN PLAT BOOK 4, PAGES 306 AND 307, HAMILTON COUNTY, OHIO RECORDS, THENCE EASTWARDLY ALONG THE NORTH LINE OF LOT 6 AFORESAID 102.85 FEET TO A STAKE IN THE NORTHEAST CORNER OF LOT 6, AFORESAID, THENCE NORTHWARDLY 215.40 FEET TO A STAKE, THENCE WESTWARDLY 102.01 FEET TO A STAKE; THENCE SOUTHERLY 215.56 FEET TO A PLACE OF BEGINNING

PARCEL II

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP AND BEING A PART OF LOT "A" OF CHALFONTE PLACE SUBDIVISION AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWEST CORNER OF LOT ONE (1) OF SAID CHALFONTE PLACE SUBDIVISION, THENCE WITH THE WEST LINE OF SAID LOT 1, NORTH 1° 30' EAST 85 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE WITH THE NORTH LINE OF SAID LOT 1; SOUTH 08° 30' EAST 23.14 FEET TO A POINT IN THE CURVE OF THE WESTERLY LINE OF CHALFONTE PLACE; THENCE NORTHWARDLY AND FOLLOWING THE CURVE OF THE WESTERLY LINE OF CHALFONTE PLACE ALONG AN ARC OF A CIRCLE HAVING A RADIUS OF 27.50 FEET AND A CENTRAL ANGLE OF 105° 56' A DISTANCE OF 50.84 FEET, THE SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 7° 46' EAST AND HAVING A LENGTH OF 43.90 FEET; THENCE NORTH 1° 30' EAST AND PARALLEL TO AND 27.82 FEET WEST OF THE WEST LINE OF LOT 16 OF SAID SUBDIVISION FOR A DISTANCE OF 80.98 FEET TO THE NORTHWEST CORNER OF SAID CHALFONTE PLACE SUBDIVISION; THENCE WITH THE WESTERLY LINE OF SAID SUBDIVISION, SOUTH 14° 50' WEST 215.40 FEET TO THE SOUTHWEST CORNER OF SAID

PARCEL III

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2, OF THE MIAMI PURCHASE AND BEING A PART OF LOT NO. "A" OF CHALFONTE PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 27, PAGE 71 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT "A" OF SAID SUBDIVISION 20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID LOT "A" 7.82 FEET TO THE NORTHWEST CORNER OF SAID LOT. THENCE FROM SAID POINT AND FROM THE POINT OF BEGINNING RUNNING SOUTHWARDLY BETWEEN LINES PARALLEL TO THE WEST LINE OF LOT 16 OF SAID SUBDIVISION 80.98 FEET, MORE OR LESS TO THE NORTH LINE OF CHALFONTE PLACE.

PARCEL IV

BEING A PART OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 150 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NO. 29 WHICH POINT IS ALSO THE SOUTHEAST CORNER OF EATON LANE SUBDIVISION MADE BY JAMES G. COOPER AS RECORDED IN PLAT BOOK 31, PAGE 19 OF THE RECORDS OF HAMILTON COUNTY, OHIO, THENCE NORTHWARDLY ALONG THE EAST LINES OF LOT 9, 10, 11 AND 12 OF SAID EATON LANE SUBDIVISION AND THE WEST LINE OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION A DISTANCE OF 231 FEET, MORE OR LESS, TO A POINT 250 FEET SOUTHWARDLY TO THE SOUTH LINE OF SOUTH CRESCENT AVENUE MEASURED ALONG THE WESTERLY LINE OF SAID LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION, THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SOUTH CRESCENT AVENUE 80 FEET TO A POINT; THENCE SOUTH 1° 30' WEST A DISTANCE OF 229.99 FEET TO A POINT IN THE NORTH LINE OF CHALFONTE PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 27, PAGE 71 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO; THENCE WESTWARDLY ALONG THE NORTH LINE OF CHALFONTE PLACE SUBDIVISION AND THE SOUTH LINE OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION 80 FEET TO THE PLACE OF BEGINNING.

PARCEL V

BEING A PART OF LOT NO. 9 OF THE EATON LANE SUBDIVISION AS SHOWN IN PLAT BOOK 31, PAGE 19 IN THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT NO. 9; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT NO. 9 FOR A DISTANCE OF 32.85 FEET TO A POINT,

THENCE NORTHEASTWARDLY TO A POINT IN THE EAST LINE OF SAID LOT NO. 9 WHICH POINT IS 25 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT NO. 9; THENCE SOUTHWARDLY ALONG THE EAST LINE OF LOT NO. 9, 25 FEET TO THE PLACE OF BEGINNING.

THE PROPERTY IS CONVEYED SUBJECT TO AND THERE ARE HEREBY EXCEPTED FROM THE FIDUCIARY COVENANTS ALL EASEMENTS AND RESTRICTIONS OF RECORD, ESTABLISHED EASEMENTS, ZONING ORDINANCES.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

APPLICATION FOR COMMERCIAL TAX ABATEMENT

CITY OF CINCINNATI COMMUNITY REINVESTMENT AREA



COMMERCIAL, INDUSTRIAL, MIXED-USE, MULTI-UNIT (5+ UNITS)

Note: After review and recommendation by the Department of Community & Economic Development, all applications must be reviewed and approved by the City of Cincinnati Council before commencing construction. Any projects that start construction before City Council approval will be INELIGIBLE for a Commercial CRA Tax Abatement.

The City requires that the Applicant provide the following documentation with this application:

- A detailed breakdown of all Sources and Uses of Funds for the project (templates are available upon request). A minimum of \$40,000 in costs must be documented.
Supporting documentation for ALL sources of funding for the project. For instance, if a bank loan will be obtained, a letter or term sheet from the bank specifying, among other things, the loan amount and term. A contact person must be identified for each funding source.
A post-construction operating pro forma for the building and cash flow analysis. NOTE: Please submit a copy of the pro forma used to apply for any bank financing as required and a contact person considering the application for bank financing.
A \$1,250 application fee in the form of check, money order, or cashier's check payable to "City of Cincinnati". Note the application fee is nonrefundable.
Corporate Resolution, Articles of Incorporation, and an Operating/Partnership Agreement for entity applying for abatement showing who is authorized to sign for the organization
Copy of the Deed or other Legal Description of the Property
A copy of the proposed construction plans/rendering/etc.
Estimated pre-construction, and post construction real estate taxes
If this project is seeking LEED or Living Building Challenge (Full, Net Zero, or Petal [must include "Energy Petal"]) Certification, provide confirmation of registration

SECTION I – Applicant/Project Information

Applicant Information:
Legal Name of Property Owner Applying for Abatement: 700 Chalfonte Holdings LLC
Form of business enterprise LLC (corporation, partnership, proprietorship, LLC, non-profit, or other)
Is the Applicant affiliated with a larger developer or development entity? [Yes] No. If Yes, please provide the name of this developer or development entity: Yolo Investments LLC
Legal Address of real property owner: 4821 Brooke Hill Ct Liberty Twp, OH 45011
Federal Tax ID #(s): 92-1629744
Applicant Contact Person: Nadav Livne Title: Member
Phone: 225-284-5304 Main Contact email address: office@yolocinci.com
Address of subject property 700 Chalfonte Pl., Cincinnati, OH Zip: 45229
Hamilton County Auditor Parcel ID#: 112 - 0004 - 0018-00 (attach a page listing all parcels and addresses if more than one parcel)
City of Cincinnati Neighborhood: AVONDALE
Is any other financial assistance being requested from the City of Cincinnati for this project? [] Yes [X] No
If yes, please indicate the Development Analyst with whom you are working:

Space/Units to be constructed/renovated:

Construction Type: New Construction Renovation

What percentage of the existing structure is currently occupied: 0 _____ %

Total sqft/units to be constructed/renovated:

Commercial: _____ (sqft) Office: _____ (sqft) Industrial: _____ (sqft)

Residential: 20,080 (sqft) Residential: 23 (# of units)

Project Type:

- Commercial (Retail, Office etc)
 - Industrial
 - Multi-Unit Residential (5 or more units)
 - Mixed-Use (Residential & Commercial)
- Describe the break down in use in SF below:

Total of 23 residential units with total of 20,080 sq

5 units studio apartments with avg sq of 470 each

18 units of 3 bedroom apartments avg sq of 985 each

Please indicate if the project intends to meet Leadership in Energy and Environmental Design (LEED) levels as defined by the U.S. Green Building Council (www.usgbc.org).

- Project is not LEED-certified
- LEED Silver
- LEED Gold
- LEED Platinum

Please indicate if the project will be qualified under the Living Building Challenge program (<http://living-future.org/lbc>):

- Project is not LBC qualified
- LBC Full
- LBC Net Zero
- LBC Petal (requires "Energy Petal")

If approved for an abatement, does the Applicant intend to enter into a Voluntary Tax Incentive Contribution Agreement (VTICA)?

Yes 15 % No

(A VTICA is an agreement with a third-party non-profit designated by the City in which the Applicant would contribute a portion of the abated taxes to support neighborhood-based projects and services as well as City-wide affordable housing initiatives [note that VTICAs in the vicinity of the Streetcar are used to support streetcar operations]. As indicated the applicable City legislation & policies as this is a significant factor in determining the terms of the abatement.)

General Project Information:

Project Name (of Applicable): 700 Chalfonte Place

Description of the project:

We will be taking a shell of a building that has been vacant for many years and bringing it to life in hopes of expanding

affordable housing in the neighborhood of Avondale. The plan is to renovate this property from A to Z; including new mechanicals, efficiency HVAC, structural repairs, flooring, painting, new kitchens and more, with the intention to making these units feel like home.

We've partnered with Excel Development on two other projects in hopes of this being the the third one; to help them expand and help more families in need.

Please provide a brief description of the applicant's development experience:
 The managing member of 700 Chalfone holdigns LLC has been in the real estate business for over 10 years, has experienced in multiple total renovation residential homes and apartment buildings in the City of Cincinnati and neighboring cities like Madisonville, Evanston, West End , and downtown. Our latest developments have been 18 unit property on 542 prospect place and another 22 unit on 1631 on 1631 Sparkle dr.

Please state why this project deserves a tax exemption from the City of Cincinnati and what benefits the project will bring to the neighborhood where it is located:
 This project will support the community by bringing 23 affordable housing for families in need in our city
 It will also take a building thats been dead for years, vacant and attracting crime at times and bring it back to life. It will also create many temporary jobs to local and minority owned small businesses here in our queen city.

If Commercial or Industrial, state the nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site: _____

Please detail the project's planned community engagement (link for community council boundaries):

SECTION II – Job Creation/Retention

Job Creation and Retention:
 The Company will agree to use its best efforts to retain and/or create at least the following estimated number of employee positions at the Property in connection with the Project, in accordance with the specified schedule, and to maintain the minimum employment levels throughout the period of the incentive. The Job numbers below are to be listed in Full Time Equivalent (FTE) positions. FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week).

Existing positions at the site of the company to be retained:
 Full-Time Equivalent _____ employees; total annual payroll \$ _____

Will the project involve relocation of positions from another company location in the State of Ohio to the City of Cincinnati? Yes No

Existing positions at other company locations in Ohio to be relocated:

Address of Other Location(s): _____
 Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location(s): _____
 Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Will the project involve relocation of positions from another company location outside of the State of Ohio to the City of Cincinnati? no

Existing positions at other company locations outside of the State of Ohio:

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Estimate the number of **new employees** the property owner will cause to be created at the facility that comprises the project site within three years. Job creation projection must be itemized by the name of the employer (add an additional page if more than one employer). FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week):

Full-Time Equivalent 2 employees (Total); total annual payroll \$ 80,000

During the first twelve months of the agreement: _____ positions

During the second twelve months of the agreement: _____ additional positions

During the third twelve months of the agreement: _____ additional positions

Temporary Construction 8 jobs; total annual payroll \$ 550,000

Length of Construction Period: 12-18 months

In addition to the Full Time Equivalent positions listed above, are there any part time jobs and associated payroll? If so, please provide, as well as a description of the positions:

Please provide a brief description of the Job Creation that is associated with this Project (types of jobs; e.g. fabrication, warehousing, sales, operations, management, technical, retail, etc.):

Operation, maintenance and management employment

Note to Applicant: Ohio Revised Code Section 3735.673 requires the City formally to notify each county or corporation from which the company intends to relocate, and the Ohio Development, prior to approval of a tax exemption agreement. This notification must be sent prior to consideration of the exemption by Cincinnati City Council.

SECTION III – Project Investment

Real Estate Investment:

Indicate the estimated cost of the construction or remodeling: \$ 1,348,861

Estimated total cost of the project (including soft costs & acquisition): \$ 1,870,603.70

Estimated Project start date: 07/2023 Estimated Project completion date: 12/2024

Current Auditor's value of property (aggregate value of all parcels involved): 335,000 currently

Estimated post-construction value of property: 1,870,603

(Please provide appraisal or other method for determining post-construction value of the property)

Other Investment

Investment in Machinery & Equipment (M&E) at the Property: \$ _____

Investment in Furniture, Fixtures, and Equipment (FF&E) at the Property: \$ _____

Other Investment: \$ _____

Description of Other Investment: _____

SECTION IV – Applicant Certifications

Does the property owner owe:

1. Any delinquent taxes to the State of Ohio, the City of Cincinnati or another political subdivision of the State? YES NO
2. Any moneys to the State of a state agency for the administration or enforcement of any environmental laws of the State? YES NO
3. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? YES NO

If the applicant responds yes to any of the three above questions, please provide details of each instance including but not limited to the location, amounts, and/or case identification numbers (please submit additional sheets for response).

The Applicant authorizes the City and/or the Ohio Department of Development to inspect the personal financial statements of the Applicant, including but not limited to tax records and other similar information not ordinarily open to public inspection; and authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and/or the Ohio Department of Development in connection with the above statements.

Note: The above statements as to taxes and other obligations, and authorization to inspect, are required by Ohio Revised Code Section 9.66 (C) (1), As provided by statute, a knowingly false statement under this paragraph may be prosecuted as a first degree misdemeanor under Ohio Revised Code 2921.13 (D) and may render the Applicant ineligible for any future economic development assistance from the state or any political subdivision.

Please initial that you have read the above. X NL _____

Project Completion:

Once the project is complete, the Applicant is required to submit a CRA Completion Application Form along with required documentation noted therein. It is the Applicant's responsibility to submit this completed form to the City of Cincinnati to ensure the tax abatement will be initiated by the Hamilton County Auditor.

Please initial that you have read the above statement and understand that the abatement will not be considered by the Hamilton County Auditor's Office until the CRA Completion Application Form is complete and submitted.

X NL _____

Additional Certifications by Applicant:

- o The Applicant acknowledges that the property is **Not Eligible** for tax exemption if construction activities are commenced prior to the execution of a Community Reinvestment Area Tax Exemption Agreement between the Applicant and the City. No agreement may be executed by the City without prior approval by Cincinnati City Council.
- o The Applicant acknowledges that if the application is approved by Cincinnati City Council, a \$750.00 application fee payable to "Treasurer, State of Ohio" will be due. Applicant must submit this fee to the City's Department of Community & Economic Development upon approval by Cincinnati City Council.
- o The Applicant acknowledges that a Payment In Lieu of Taxes (PILOT) agreement in the amount of 33% of the annual value of the exemption with Cincinnati Board of Education will be required. The form of this PILOT agreement is available upon request.
- o The Applicant acknowledges that if one of the City's considerations for granting a tax exemption is the applicant's representation that it will enter into a VTICA, then the failure by the Applicant to do so is considered grounds for the City of Cincinnati to terminate the tax exemption granted to the Applicant.
- o The Applicant acknowledges that all tax exemptions must submit an Annual Report on or before March 31 of each year. This report must be submitted for each year of the tax exemption agreement including during the construction period.
- o The Applicant acknowledges that all tax exemptions will be subject to an annual monitoring fee of 1% of the annual taxes exempted under the agreement or \$500, whichever is greater; no City annual fee will be greater than \$2,500 per year. This annual monitoring fee must be submitted with each Annual Report.
- o The Applicant acknowledges that to be eligible for tax exemption by the City of Cincinnati, the subject property must be located within the City of Cincinnati.
- o The Applicant acknowledges that exemption values are determined by the Hamilton County Auditor's Office.
- o The Applicant acknowledges that the City of Cincinnati may revoke the tax exemption any time after the first year if the property has building code violations or is delinquent on the property taxes.
- o The Applicant acknowledges that the City of Cincinnati Council may rescind or alter the Ordinance granting tax exemptions.
- o The Applicant agrees to supply additional information upon request.

Please initial that you have read the above. X NL

Prior Agreement. Applicant represents and warrants that neither Applicant, nor any "predecessor" or "related member" is a party to another agreement granting tax exemption relating to a structure in this state at which the Applicant (or the predecessor or related member) has discontinued or intends to discontinue operations prior to the expiration of the term of that agreement. (Note: This information is required by Ohio Revised Code 3735.671 (E). As used herein "predecessor" means a person or entity that has transferred assets or equity to Applicant, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the Ohio Tax Commissioner; and "related member" has the same meaning as defined in Ohio Revised Code 5733.042 without regard to division (B) of that section.)

Please initial that you have read the above. X NL

I declare under the penalties of falsification that this application, including all enclosed documents and statements, has been examined by me, and to the best of my knowledge and belief is true, correct, and complete.

 Signature of Applicant	1/06/23 Date
Nadav Livne Printed Name	Member Title (if signed as officer)

Please complete this application in its entirety and submit to the Department of Community & Economic Development along with required supporting documentation. Please make and retain a copy of this application for your records. Please allow 4 weeks for the Department of Community & Economic Development to review and follow-up on this application.

Send Completed Application to:

City of Cincinnati
Department of Community & Economic Development
805 Central Avenue, Suite 710
Cincinnati, Ohio 45202
Attention: Commercial Tax Abatement Application

STREETCAR VTICA AREA



Small Business Enterprise (SBE) Utilization Plan

Please indicate which methods you plan to use to achieve the City's aspirational goal of 30% Small Business Enterprise (SBE) utilization for construction contracts. Return the form to the Department of Community & Economic Development with your tax abatement application. If you have questions about this form, please contact the analyst reviewing your application.

Project Name: 700 Chalfonte Pl

Action	YES	NO	Expected Date/Comments
1. Hold a Meet & Confer (required)	<input type="checkbox"/>	<input type="checkbox"/>	
2. Use the City's SBE Directory to solicit bids from certified SBEs –available here: http://www.cincinnati-oh.gov/purchasing/resources-directories/sbe-directory/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	we will solicit bids and if fair pricing plan to use SBE
3. Identify sufficient subcontracting work to meet 30% SBE utilization goal	<input type="checkbox"/>	<input type="checkbox"/>	
4. Divide the total requirements into small tasks or quantities to permit maximum SBE participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Written Notice to Subcontractors of opportunity to bid and follow-up to initial solicitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Advertise opportunity to bid in local minority publications and in other local newspapers of general circulation	<input type="checkbox"/>	<input type="checkbox"/>	
7. Assistance with subcontractors' bonds, credit lines, and insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If its within our budget it will be considered in addition to the bid
8. Provide interested subcontractors with access to plans, specifications and requirements for subject project	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Require subcontractors to demonstrate the affirmative steps #2-8 to utilize SBEs in their subcontracts	<input type="checkbox"/>	<input type="checkbox"/>	
10. Other:	<input type="checkbox"/>	<input type="checkbox"/>	



 Signature of Authorized Representative

1/6/23

 Date

 Community & Economic Development Approval

 Date

June 12, 2023
202301609

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing a CRA Tax Abatement with 8K Glenway, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority, thereby authorizing a ten-year tax exemption for 100 percent of the value of improvements made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, at a total construction cost of approximately \$1,179,802.

BACKGROUND/CURRENT CONDITIONS

The City and Price Hill Will are parties to a Stabilization Agreement to acquire and stabilize the property at 4022-4042 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood. Price Hill Will was required to diligently market the property for sale or lease to a commercial developer or end user and 8K Development Company, LLC has been identified as such commercial developer.

8K Development Company intends to acquire title to the property from Price Hill Will and to redevelop the site. The first phase of the project includes the building structure at 4022-4028 Glenway Avenue and the adjacent lots. The building structure is currently vacant with two street-level commercial units and two residential units above. The Developer plans to remodel the existing building on the property, 4022-4028 Glenway Avenue, to create approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential units.

DEVELOPER INFORMATION

8K Development Company, dba 8K Glenway, LLC was founded in 2009. Starting with the gut renovation of one dilapidated house on Langland Street in Northside, 8K has grown into an integrated construction and property development company. The renaissance in Cincinnati's core neighborhoods has led to expertise across a broad spectrum of development and construction services such as comprehensive historic renovations, commercial buildouts, and ground up construction. In 2016, the

organization was reconfigured into two companies, 8K Development Co. and 8K Construction Co. Since the reorganization, 8K has completed over 30,000 sf of residential renovation and over 15,000 sf of commercial build-out working primarily in Northside, Over-the-Rhine, and Walnut Hills

RECOMMENDATION

DCED is recommending a 10-year, net 67% Commercial CRA tax abatement on the improved value property.

DCED's recommendation is based on the following reasons:

- The project is being completed in partnership with Price Hill Will, the Community Development Corporation. Price Hill Will has marketed the site and project to the Developer as a response to the community's need to redevelop the commercial and residential units and activate this block of the business district for an increase in commercial activity.
- The project will bring 2 new affordable housing units to the neighborhood with rental rates that resemble affordability at 60% AMI.
- The project will involve creating 2 new commercial storefronts along Glenway Avenue. Two existing tenants currently located in the 4034-4042 Glenway building will be relocated and retained within the project to 4022-4028 Glenway. Both tenants have combined tenure of over 30 years in the business district, and the relocation will position them for future growth opportunities.
- A parking lot containing 30 parking spaces will be constructed immediately adjacent to the project site.
- A CRA abatement is needed in order to achieve the proposed debt amount of \$150,000. Without a CRA abatement, the debt capacity will decrease even further which would result in an unfinanceable project gap. Additional developer equity is not available to fill the gap due to the high costs of renovation and lower-projected cash flow of the project as a result of the affordable commercial rental limits the Developer has agreed to create.
- The 10-year term for the abatement matches the term for the permanent loan with the City.

The Administration recommends approval of this Emergency Ordinance. The Developer plans to secure financing immediately to start construction by the third quarter of 2023.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	4024-4028 Glenway Avenue
Street Address	4024-4028 Glenway Avenue
Property Condition	Vacant building with two street-level commercial units and two, two-bedroom residential units above.
Neighborhood	West Price Hill
Incentive Application Process	Commercial CRA – Neighborhood Area (Non-LEED)
Recent or other projects by Developer	1714 Vine Street, KeyMark Phase I & II
Approval at planning commission/Neighborhood support	<ul style="list-style-type: none"> - Approval for funding and development by Ordinance 302-2021, passed by City Council on August 4, 2021 - Community Engagement Meeting facilitated by City Planning and Engagement on July 20, 2021.
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120), Live Area goal 3 by (pages 164-178), and Sustain Initiative Area Goal 2 (pages 193-198)

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	10-year, net 67% Commercial CRA tax abatement
Additional Incentive	\$1,076,283 Funding and Development Agreement to 8K Glenway, LLC
Construction Cost & Private investment committed	\$1,179,802 in hard construction costs and \$237,505 in soft costs; Developer expects to receive a loan of \$150,000 from the Northside Bank & Trust Company
Sq. Footage by Use	2,205 SF – Commercial 1,692 SF – Residential
Number of units and rental ranges	2 two-bedroom units <ul style="list-style-type: none"> - 2 affordable to 60% AMI - (\$1,000/month) - Units are not income restricted. Developer plans to maintain rental rates at this rate during the first 10 years with adjustments for inflation.
Jobs created/retained and payroll (living wage)	Projected to retain 2 FTE positions at \$70,000 in annual payroll (avg. of \$35,000 annually per job) and 6 temporary construction jobs at \$420,000 annual payroll
“But For”	The project as presented, with restricted commercial lease rates, would not proceed without the proposed incentive package due to the Developer not receiving adequate returns until after Year 10
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: -9% (stabilized vacancy) With Abatement: Year 5: 2% (stabilized vacancy)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	N/A
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$2.92 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$16,380
MBE/WBE Goals	SBE Goal of 30%

Transit Access/Walkability	Sits along 33 and 65 Metro bus routes
Geography	Located in the East/West Price Hill NRSA
Historic Preservation/Existing Building Renovation	This project will renovate the basement, first floor/street-level , and second floor of the building preserving and reactivating the building for future use
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$1,000	\$40,000.00	Part-time Nurse, Assistant Supervisor of Fleet Services, Legal Assistant, Community Development Analyst, Parks/Rec Service Area Coordinator

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

EMERGENCY

TJL

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority, thereby authorizing a ten-year tax exemption for 100 percent of the value of improvements made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in the West Price Hill neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, at a total construction cost of approximately \$1,179,802.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority (collectively, the “Company”) desire to remodel an existing building on real property at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue located within the corporate boundaries of the City of Cincinnati into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$13,556; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company’s operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per R.C. Section 3735.673; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with 8K Glenway, LLC and the Port of Greater Cincinnati Development Authority (the “Agreement”), thereby authorizing a ten-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 4022-4028 Glenway Avenue and 1211-1213 Iliff Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of two residential rental units, to be completed at a total construction cost of approximately \$1,179,802.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and

- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City’s economic welfare to begin at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption Agreement (this "Agreement") is made and entered into as of the Effective Date (as defined on the signature page hereof) by and among the CITY OF CINCINNATI, an Ohio municipal corporation (the "City"), 8K GLENWAY, LLC, an Ohio limited liability company (the "Developer"), and PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY, an Ohio port authority (the "Owner", and together with Developer, the "Company").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Owner is the sole owner of certain real property within the City, located at 4022-4028 Glenway Avenue & 1211-1213 Iliff Avenue, Cincinnati, Ohio 45205 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Owner intends to convey fee title in the Property to Developer following the completion of the Project, as further described in Recital E. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed the remodeling of a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past three (3) years neither the Company, nor any related member of the Company nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- P. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property to create approximately 2,205 square feet of commercial space and approximately 1,692 square feet of residential space consisting of 2 residential rental units (the "Improvements") at an estimated aggregate cost of \$1,179,802 to commence after the execution of this Agreement and to be completed no later than December 31, 2024; *provided*,

however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of 10 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2034 or (ii) the end of the tenth (10th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(B), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term

¹ Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.
- (vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. Developer represents that, as of the date of the execution of this Agreement, the Developer (a) intends to cause the retention of 2 full-time equivalent employees in the City of Cincinnati, with a total annual payroll of \$70,000, to be relocated to and retained at the Property (the "Retained Jobs"), and (b) has no existing employment at the Property or at other locations in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Retained by Developer. Developer agrees to use its best efforts to cause the Retained Jobs to be retained at the Property.

B. Jobs to be Created by Developer. Developer agrees to use its best efforts to create 6 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

C. Developer's Estimated Payroll Increase. Developer's increase in the number of employees will result in approximately \$420,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

D. Community Reinvestment Area Employment. Developer shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents

of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

E. Posting Available Employment Opportunities. To the extent allowable by law, Developer shall use its best efforts to post available employment opportunities within the Developer's organization or the organization of any subcontractor working with the Developer with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Developer shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which

are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (C) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671 has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (*Default*) and the basis for revocation under Section 18 (*Revocation*). Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. The Developer shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63, or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Owner:

Port of Greater Cincinnati Development Authority
Attention: Laura Brunner, President & CEO
3 E. Fourth Street, Suite 300
Cincinnati, Ohio 45202

To the Developer:

8K Glenway, LLC
c/o: 8 K Development Company, LLC
Attention: Michael Chewning
60 E. McMicken Avenue,
Cincinnati, Ohio 45202

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671, the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Joint and Several Liability. The obligations and liability of the Owner and Developer under this Agreement are joint and several, except as otherwise expressly indicated. In dealing with said entities, the City shall be entitled to rely upon information, notices, documents and the like received by the City from only one of said entities to the same extent as if the same had been provided to the City by both entities.

Section 39. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2023

PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY,
an Ohio port authority

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

8K GLENWAY, LLC
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

PARCEL I:

Property Address: 4022 Glenway Avenue & 1211-1213 Iliff Avenue, Cincinnati, Ohio 45205

Auditor's Parcel Nos.: 179-0074-0234-00, 179-74-224-00(225)cons., & 179-0074-0226-00

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, being all of Lot 196 of the Subdivision made by the Cedar Grove Land and Building Association as recorded in Plat Book 4, Page 220 of the Hamilton County, Ohio Records.

Said lot fronts 45 feet on the north side of Glenway Avenue and extends back, between parallel lines, 127.05 feet to the rear line of said lot being known as 4022 Glenway Avenue.

Also, the following described real estate: Situated in the City of Cincinnati, County of Hamilton and State of Ohio, and being all of Lots 205, 206 and the southerly eight feet of Lot 209, all as shown on the plat of the Cedar Grove Land & Building Association Co. No. 1 Subdivision, as recorded in Plat Book 4, Page 220 and 221 in the Office of the Recorder of said Hamilton County, Ohio. Each of said lots having a frontage of 25 feet on the westerly side of Iliff Avenue and extending westwardly, between parallel lines a distance of 120 feet.

PARCEL II:

Property Address: 4024 & 4028 Glenway Avenue, Cincinnati, Ohio 45205

Auditor's Parcel Nos.: 179-0074-0232-00(233)cons. & 179-0074-0231-00(359)cons.

Situate in the City of Cincinnati, Hamilton County, Ohio and being known as Lots Nos. 197, 198 and 199 of the Cedar Grove Loan and Building Association Subdivision as recorded in Plat Book 4, Page 220 of the Records of the Hamilton County Recorder.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 14, 2023

To: Mayor and Members of City Council 202301655
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – OES: Amend Ordinance No. 0352-1984

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance No. 352-1984, which established Fund No. 436, “Environmental Studies,” to change the name of the fund to “Environment and Sustainability,” and to expand the purpose of the fund to enable the City to receive and expend funds, including but not limited to grants, donations, settlements, fees, revenue from City-administered programs, and other sources of funding, in support of the projects and needs of the Office of Environment and Sustainability (or its successor) and the Green Cincinnati Plan.

This Emergency Ordinance amends Ordinance No. 0352-1984, which established Fund No. 436, “Environmental Studies,” to change the name of the fund to “Environment and Sustainability,” and to expand the purpose of the fund to enable the City to receive and expend funds, including but not limited to grants, donations, settlements, fees, revenue from City-administered programs, and other sources of funding, in support of the projects and needs of the Office of Environment and Sustainability (or its successor) and the Green Cincinnati Plan.

Amending Ordinance No. 0352-1984 in this manner is in accordance with various goals of the Green Cincinnati Plan (2023) as well as the “Sustain” goal to “[m]anage our financial resources” as described on page 199 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to rename and expand the scope of Fund No. 436 to account for anticipated sources and uses of the fund.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



EMERGENCY

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- 2023

AMENDING Ordinance No. 352-1984, which established Fund No. 436, “Environmental Studies,” to change the name of the fund to “Environment and Sustainability,” and to expand the purpose of the fund to enable the City to receive and expend funds, including but not limited to grants, donations, settlements, fees, revenue from City-administered programs, and other sources of funding, in support of the projects and needs of the Office of Environment and Sustainability (or its successor) and the Green Cincinnati Plan.

WHEREAS, Ordinance No. 352-1984, passed August 1, 1984, established Fund No. 436, “Environmental Studies Fund,” for the purpose of receiving contributions to support environmental studies and projects and for expending funds in furtherance of that objective; and

WHEREAS, in 2006, the City created the Office of Environmental Quality, known since 2016 as the Office of Environment and Sustainability (“OES”), to promote environmental sustainability, equity, and resilience throughout the City, and to support strategies and projects for growing green-sector economic opportunities, reducing the risks of climate change, and improving the comfort and quality of life for all citizens of Cincinnati; and

WHEREAS, in 2008, the City adopted the Green Cincinnati Plan, which presents a comprehensive set of goals, strategies, and actions to advance the environmental sustainability, equity, and resilience of the City, and which is periodically updated by OES in collaboration with community partners to improve outcomes; and

WHEREAS, implementation of the Green Cincinnati Plan may be funded by a variety of resources, including but not limited to grants, donations, settlements, fees, revenue from City-administered programs, and other sources of funding; and

WHEREAS, there is a need to amend Ordinance No. 352-1984 to change the name of Fund No. 436 from “Environmental Studies” to “Environment and Sustainability,” and to expand the purpose of the fund to enable the City to receive and expend a variety of financial resources in support of OES and the Green Cincinnati Plan; and

WHEREAS, amending Ordinance No. 352-1984 in this manner is in accordance with various goals of the Green Cincinnati Plan (2023) as well as the “Sustain” goal to “[m]anage our financial resources” as described on page 199 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 1 of Ordinance No. 0352-1984 is hereby amended as follows:

Section 1. Fund No. 436, "~~Environmental Studies Fund~~ Environment and Sustainability," is hereby established to enable the ~~city~~City to receive ~~contributions~~ funds, including but not limited to grants, donations, settlements, fees, revenue from City-administered programs, and other sources of funding, for the support of environmental studies and projects, as well as the projects and needs of the Office of Environment and Sustainability (or its successor) and the Green Cincinnati Plan, and to enable the City to expend funds in furtherance of these objectives. ~~that objective~~

Section 2. That all terms of Ordinance No. 0352-1984 not amended by this ordinance shall remain in full force and effect.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to rename and expand the scope of Fund No. 436 to account for anticipated sources and uses of the fund.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

June 14, 2023
202301643

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Recreation: Municipal Golf Activities Fund 105 Transfer to Golf Course Improvements Capital Project

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement; and further **AUTHORIZING** the transfer and appropriation of \$600,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement.

Approval of this Emergency Ordinance will authorize the establishment of new capital improvement program project account no. 980x195x231907, “Golf Course Improvements” to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement. This Emergency Ordinance will also authorize the transfer and appropriation of \$600,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x231907, “Golf Course Improvements.”

Municipal Golf Activities Fund 105 receives no tax dollars and is 100% self-sufficient. The fund has sufficient resources to support the transfer for capital improvement projects, as revenues have outpaced budget expectations for the current fiscal year.

Golf course improvements are in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to implement the golf course and facilities improvements to avoid anticipated cost increases for asphalt.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

AKS

- 2023

ESTABLISHING new capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement; and further **AUTHORIZING** the transfer and appropriation of \$600,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement.

WHEREAS, City golf courses have had increased usage since the onset of the COVID-19 pandemic, and as a result, the golf courses experienced some deterioration and now require various course and facilities improvements; and

WHEREAS, Municipal Golf Activities Fund 105 receives no tax dollars and is 100 percent self-sufficient; and

WHEREAS, the Municipal Golf Activities Fund has sufficient resources to support the transfer to newly established capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” as revenues have outpaced budget expectations for the current fiscal year; and

WHEREAS, the Cincinnati Recreation Commission Board approved the fund transfer at its March 21, 2023 meeting; and

WHEREAS, golf course improvements are in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” to provide resources for golf course and facilities improvements, including but not limited to cart paths and pavement.

Section 2. That the transfer and appropriation of \$600,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to the newly established capital improvement program project account no. 980x195x231907, “Golf Course Improvements,” is authorized to provide

resources for golf course and facilities improvements, including but not limited to cart paths and pavement.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to implement the golf course and facilities improvements to avoid anticipated cost increases for asphalt.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023
202301650

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Department of Public Services (DPS):
Appropriation of Obsolete Fleet Sales and Subrogation Proceeds**

Attached is an Emergency Ordinance captioned:

ESTABLISHING a new capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” for the purpose of acquiring automotive and motorized equipment funded by sale proceeds of obsolete automotive and motorized equipment; and **AUTHORIZING** the transfer and appropriation of \$538,964.95 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to the newly established capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete.”

Approval of this Emergency Ordinance establishes new capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” for the purpose of acquiring automotive and motorized equipment funded by sale proceeds of obsolete automotive and motorized equipment. This Emergency Ordinance also authorizes the transfer and appropriation of \$538,964.95 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to the newly created capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete.”

Between July 2021 and April 2023, the Department of Public Services collected a total of \$538,964.95 from the disposal or auction of obsolete equipment and proceeds from subrogation payments for repairs to City vehicles. The newly created capital improvement program project account will utilize the proceeds from disposal or auction of obsolete equipment and subrogation payments to acquire new or replacement automotive and motorized equipment.

Acquiring fleet replacements is in accordance with the “Sustain” goal to “[m]anage our financial resources,” as described on page 199 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to acquire necessary automotive and motorized equipment.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

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- 2023

ESTABLISHING new capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” for the purpose of acquiring automotive and motorized equipment funded by sale proceeds of obsolete automotive and motorized equipment; and **AUTHORIZING** the transfer and appropriation of \$538,964.95 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to the newly established capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete.”

WHEREAS, between July 2021 and April 2023, the Department of Public Services collected a total of \$538,964.95 from the disposal or auction of obsolete equipment and proceeds from subrogation payments for repairs to City vehicles; and

WHEREAS, the newly created capital improvement program project accounts will utilize the proceeds from disposal or auction of obsolete equipment and subrogation payments to acquire new or replacement automotive and motorized equipment; and

WHEREAS, acquiring fleet replacements is in accordance with the “Sustain” goal to “[m]anage our financial resources,” as stated on page 199 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council hereby authorizes the establishment of capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” for the purpose of acquiring automotive and motorized equipment funded by proceeds of the sale of obsolete automotive and motorized equipment.

Section 2. That the transfer and appropriation of \$538,964.95 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to newly established capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” is hereby authorized.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to acquire necessary automotive and motorized equipment.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: June 26, 2023

To: Councilmember Jeff Cramerding
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – FY 2023 Office Budget Transfer to Parks Capital Project**

Transmitted herewith is an Emergency Ordinance captioned as follows:

AUTHORIZING the transfer and return to source of \$23,000 from Councilmember Cramerding’s Office General Fund personnel operating budget account no. 050x018x7100 and \$3,900 from Councilmember Cramerding’s Office General Fund non-personnel operating budget account no. 050x018x7200 to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer of \$26,900 from the unappropriated surplus of General Fund 050 to existing capital improvement program project account no. 980x203x232000, “Park Infrastructure Rehabilitation,” to provide resources for deferred capital maintenance at Cincinnati Parks Department facilities.

EESW/KKF(dmm)
Attachment
385407

EMERGENCY

City of Cincinnati

KKF

EESW

An Ordinance No. _____ - 2023

AUTHORIZING the transfer and return to source of \$23,000 from Councilmember Cramerding’s Office General Fund personnel operating budget account no. 050x018x7100 and \$3,900 from Councilmember Cramerding’s Office General Fund non-personnel operating budget account no. 050x018x7200 to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer of \$26,900 from the unappropriated surplus of General Fund 050 to existing capital improvement program project account no. 980x203x232000, “Park Infrastructure Rehabilitation,” to provide resources for deferred capital maintenance at Cincinnati Parks Department facilities.

WHEREAS, \$26,900 was included in the Approved FY 2023 Budget Update for Councilmember Jeff Cramerding’s Office, which is available to provide resources for deferred capital maintenance at Cincinnati Parks Department facilities; and

WHEREAS, Council desires to provide resources in the amount of \$26,900 for deferred capital maintenance at Cincinnati Parks Department facilities; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the transfer and return to source of \$23,000 from Councilmember Cramerding’s Office General Fund personnel operating budget account no. 050x018x7100 and \$3,900 from Councilmember Cramerding’s Office General Fund non-personnel operating budget account no. 050x018x7200 to the unappropriated surplus of General Fund 050 is hereby authorized.

Section 2. That the transfer of \$26,900 from the unappropriated surplus of the General Fund 050 to existing capital improvement program project account no. 980x203x232000, “Park Infrastructure Rehabilitation,” to provide resources for deferred capital maintenance at Cincinnati Parks facilities is hereby authorized.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 and Section 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make these resources available for deferred capital maintenance at Cincinnati Parks Department facilities.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301641
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – DCED: Moral Obligation Payment to Wausau Tile, Inc.**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$13,146.49 from capital improvement program project account no. 980x164x0000x7685x211607, “Neighborhood Business District Improvements,” to Wausau Tile, Inc. as a moral obligation of the City of Cincinnati for installing Tectura Nest benches in the Clifton Heights neighborhood in partnership with the Clifton Heights Community Urban Redevelopment Corporation.

This Emergency Ordinance authorizes the payment of \$13,146.49 from capital improvement program project account no. 980x164x0000x7685x211607, “Neighborhood Business District Improvements,” as a moral obligation to Wausau Tile, Inc. for installing Tectura Nest benches in the Clifton Heights neighborhood in partnership with the Clifton Heights Community Urban Redevelopment Corporation.

Wausau Tile, Inc. installed Tectura Nest benches at 265 West McMillan Street, near a major bus stop for Hughes High School students and residents of the neighborhood. The installation project was certified in the amount of \$12,082.71 with an expiration date of October 01, 2020. Due to the COVID-19 pandemic and supply chain issues, the project was delayed and completed in June 2022. The cost of materials and fabrication did not change. However, after funds were certified, the freight cost increased by \$1,063.78, increasing the project cost above the amount certified.

The reason for the emergency is the immediate need to make payment to Wausau Tile, Inc. for the services that have been provided.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

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- 2023

AUTHORIZING the payment of \$13,146.49 from capital improvement program project account no. 980x164x0000x7685x211607, “Neighborhood Business District Improvements,” to Wausau Tile, Inc. as a moral obligation of the City of Cincinnati for installing Tectura Nest benches in the Clifton Heights neighborhood in partnership with the Clifton Heights Community Urban Redevelopment Corporation.

WHEREAS, Wausau Tile, Inc. installed Tectura Nest benches at 265 West McMillan Street, near a major bus stop for Hughes High School students and residents of the Clifton Heights neighborhood; and

WHEREAS, the installation project was certified for \$12,082.71 with an expiration date of October 1, 2020, but due to the COVID-19 pandemic and supply chain issues, the project was not completed until June 2022; and

WHEREAS, the freight cost increased by \$1,063.78 after funds were certified, increasing the project cost above the amount certified; and

WHEREAS, sufficient resources are available in existing capital improvement program project account no. 980x164x0000x7685x211607, “Neighborhood Business District Improvements,” to pay Wausau Tile, Inc. for services provided to the City; and

WHEREAS, Council desires to provide payment of \$13,146.49 to Wausau Tile, Inc. for such services; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Director of Finance is authorized to pay \$13,146.49 from capital improvement program project account no. 980x164x0000x7685x211607, “Neighborhood Business District Improvements,” to Wausau Tile, Inc. as a moral obligation of the City of Cincinnati for the installation of Tectura Nest benches in the Clifton Heights neighborhood.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make payment to Wausau Tile, Inc. for the services that have been provided.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council

202301644

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Buildings and Inspections: Moral
Obligation to Building & Fire Code Academy**

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment of \$12,000 to the Building & Fire Code Academy as a moral obligation for outstanding charges related to training provided to inspectors for the Department of Buildings and Inspections, to be paid from Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x211x9000x7215.

Approval of this Emergency Ordinance will authorize the payment of \$12,000 to the Building & Fire Code Academy as a moral obligation for outstanding charges related to training provided to inspectors for the Department of Buildings and Inspections, to be paid from Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x211x9000x7215.

The Building & Fire Code Academy provided training to inspectors of the Department of Buildings and Inspections prior to funds being encumbered. The Department of Buildings and Inspections has since implemented an improved communication method to ensure that all senior staff are aware of the financial implications associated with lack of encumbrances.

The reason for the emergency is the immediate need to make payment to the Building & Fire Code Academy in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment

EMERGENCY

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- 2023

AUTHORIZING a payment of \$12,000 to the Building & Fire Code Academy as a moral obligation for outstanding charges related to training provided to inspectors for the Department of Buildings and Inspections, to be paid from Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x211x9000x7215.

WHEREAS, the Building & Fire Code Academy provided training to inspectors of the Department of Buildings and Inspections prior to funds being encumbered to pay for the training; and

WHEREAS, the Department of Buildings and Inspections has since implemented an improved communication method to ensure that all senior staff are aware of the financial implications associated with lack of encumbrances; and

WHEREAS, sufficient funds are available in Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x211x9000x7215 to make this payment; and

WHEREAS, Council desires to pay \$12,000 to the Building & Fire Code Academy for this training; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Director of Finance is hereby authorized to make a payment of \$12,000 to the Building & Fire Code Academy as a moral obligation for outstanding charges related to training provided to inspectors for the Department of Buildings and Inspections, to be paid from Department of Buildings and Inspections General Fund non-personnel operating budget account no. 050x211x9000x7215.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make payment to Building & Fire Code Academy in a timely manner.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301603

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Police: May 2023 TechCred Credential Reimbursement Program

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate funds, effective FY 2024, of up to \$10,519.20 from the State of Ohio Department of Development’s TechCred Credential Reimbursement Program for eligible costs incurred by the Cincinnati Police Department in providing its employees with technology-focused credentials; and **AUTHORIZING** the Director of Finance to deposit the reimbursed funds into General Fund revenue account no. 050x8533.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate funds, effective FY 2024, of up to \$10,519.20 from the State of Ohio Department of Development (ODOD)’s TechCred Credential Reimbursement Program for eligible costs incurred by the Cincinnati Police Department (CPD) in providing its employees with technology-focused credentials. This Ordinance also authorizes the Director of Finance to deposit the reimbursed funds into General Fund revenue account no. 050x8533.

The TechCred Credential Reimbursement Program has been designed to elevate the skills of Ohio’s workforce by reimbursing employers for costs associated with employees acquiring technology-focused, industry-recognized credentials requiring one year or less to complete using external training providers.

The reimbursement program application deadline was May 31, 2023, and CPD has already submitted its application, but no funds will be accepted without the City Council’s approval.

While the program does not require matching funds, an agency contribution is preferred and favored. As such, CPD intends to provide matching funds of \$2,528,80, which will be provided from Federal Asset Forfeiture – Justice Fund 367.

There are no new FTEs associated with this reimbursement.

Acceptance of this reimbursement is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate funds, effective FY 2024, of up to \$10,519.20 from the State of Ohio Department of Development’s TechCred Credential Reimbursement Program for eligible costs incurred by the Cincinnati Police Department in providing its employees with technology-focused credentials; and **AUTHORIZING** the Director of Finance to deposit the reimbursed funds into General Fund revenue account no. 050x8533.

WHEREAS, the TechCred Credential Reimbursement Program (“TechCred”) has been designed to elevate the skills of Ohio’s workforce by reimbursing employers for costs associated with employees’ acquiring technology-focused, industry-recognized credentials requiring one year or less to complete using external training providers; and

WHEREAS, TechCred reimburses employers for a portion of the cost of the credentials for employees, limits the maximum reimbursement provided by the program per credential, and favors agency contribution; and

WHEREAS, the Cincinnati Police Department (“CPD”) is requesting reimbursement from TechCred of up to \$10,519.20; and

WHEREAS, CPD intends to provide matching funds of \$2,528.80, which will be provided from Federal Asset Forfeiture – Justice Fund 367; and

WHEREAS, no additional FTEs/full-time equivalents are required by the reimbursement program; and

WHEREAS, the TechCred application deadline was May 31, 2023, and CPD already submitted its application, but no funds will be accepted without Council approval; and

WHEREAS, acceptance of this reimbursement is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate funds, effective FY 2024, of up to \$10,519.20 from the Ohio Department of Development TechCred Credential Reimbursement Program for eligible costs incurred by the Cincinnati Police Department in providing its employees with technology-focused credentials.

Section 2. That the Director of Finance is hereby authorized to deposit the reimbursed funds into General Fund revenue account no. 050x8533.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2 herein.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301606

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Police: FY 2023 Implementing Crisis Intervention Teams Grant Program**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$400,000, effective FY 2024, from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 Implementing Crisis Intervention Teams Grant Program (ALN 16.710), to expand the Cincinnati Police Department Veterans Response Team; and **AUTHORIZING** the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23CIT.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$400,000, effective FY 2024, from the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS), FY 2023 Implementing Crisis Intervention Teams Grant Program (ALN 16.710), to expand the Cincinnati Police Department Veterans Response Team. This Ordinance also authorizes the Finance Director to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23CIT.

The Cincinnati Police Department (CPD) Military Liaison Group is a group of veteran officers who respond to fellow veterans in distress by offering support and resource assistance. These grant resources will provide aid to the Military Liaison Group to allow for dedication, enhancement, and growth of the Veterans Response Team to expand current strategies, implement new strategies, and host a regional event at the Police Academy, to better serve the veteran population.

The grant application deadline was May 8, 2023, and CPD has already applied for the grant, but no grant funds will be accepted without the approval of the City Council.

The grant does not require matching funds. There are no new FTEs associated with this grant; however, 1.0 additional temporary personnel will result from this grant.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$400,000, effective FY 2024, from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 Implementing Crisis Intervention Teams Grant Program (ALN 16.710) to expand the Cincinnati Police Department Veterans Response Team; and **AUTHORIZING** the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23CIT.

WHEREAS, a grant of up to \$400,000 is available from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 Implementing Crisis Intervention Teams Grant Program (ALN 16.710) to provide grant resources for expansion of the Cincinnati Police Department (“CPD”) Veterans Response Team; and

WHEREAS, the CPD Veterans Response Team provides sworn officers who are veterans to be dispatched on service calls where veterans are in distress; and

WHEREAS, CPD intends to use grant funds for program enhancement and growth to include research, training and travel costs, and a regional event at the Police Academy; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant, however, 1.0 additional temporary personnel will result from this grant; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the grant application deadline was May 8, 2023, and the City already has applied for the grant, but no grant funds will be accepted without the approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “create a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$400,000, effective FY 2024, from the U.S. Department of Justice, Office of Community Oriented Policing Services, FY 2023 Implementing Crisis Intervention Teams Grant Program (ALN 16.710) to expand the Cincinnati Police Department Veterans Response Team.

Section 2. That the Director of Finance is authorized to deposit the grant funds, effective FY 2024, into the Law Enforcement Grant Fund 368, project account no. 23CIT.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council

202301607

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Police: FY 2023 Body-Worn Camera Policy and Implementation Program

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (ALN 16.835) to assist with expansion of the Cincinnati Police Department's existing Body-Worn Camera Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23BWC.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2023 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (ALN 16.835), for the purpose of providing assistance with expansion of the Cincinnati Police Department's existing Body-Worn Camera (BWC) Program. This Ordinance also authorizes the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23BWC.

The grant is available through the U.S. Department of Justice, Bureau of Justice Assistance, to support the expansion of the CPD BWC Program through BWC-related personnel, software, equipment, training, travel, and partnership programs regarding the integration of BWC digital footage with other forms of digital evidence generated by law enforcement.

In order to meet the grant application deadline of April 11, 2023, CPD applied prior to receiving City Council approval. Should this Ordinance not be approved, the grant award will not be accepted.

The grant does not require local matching funds. There are no additional FTEs associated with this grant; however, 4.0 additional temporary personnel result from this grant.

Acceptance of this grant is in accordance with the "Live" goal to "[c]reate a more livable community" as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (ALN 16.835) to assist with expansion of the Cincinnati Police Department’s existing Body-Worn Camera Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23BWC.

WHEREAS, a grant of up to \$1,000,000 is available from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Body-Worn Camera (“BWC”) Policy and Implementation Program to Support Law Enforcement Agencies (ALN 16.835), which, if such grant funds are received, will be used by the Cincinnati Police Department (“CPD”) to support expansion of the CPD Body-Worn Camera Program through BWC-related personnel, software, equipment, training, travel, and partnership programs regarding the integration of BWC digital footage with other forms of digital evidence generated by law enforcement; and

WHEREAS, this grant does not require local matching funds; and

WHEREAS, acceptance of the grant will result in an additional 4.0 temporary personnel; and

WHEREAS, the grant application deadline was April 11, 2023, and the City has already submitted its application, but no grant funds will be accepted without approval by Council; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies (ALN 16.835) to assist with expansion of the Cincinnati Police Department’s existing Body-Worn Camera Program.

Section 2. That the Director of Finance is authorized to deposit the grant funds, effective FY 2024, into Law Enforcement Grant Fund 368, project account no. 23BWC.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301608

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Police: FY 2023 Preventing School Violence: STOP School Violence Program (SSVP)**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, in Federal FY 2023 Preventing School Violence: STOP School Violence Program (SSVP) funds from the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.839), to develop and operate school safety strategies to improve school safety; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SSVP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective for FY 2024, in Federal FY 2023 Preventing School Violence: STOP School Violence Program (SSVP) funds from the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) (ALN 16.839), to develop and operate school safety strategies to improve school safety. This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SSVP.

The grant is available through the U.S. Department of Justice, Bureau of Justice Assistance, to support the improvement of school safety through technology solutions, specialized training of school personnel, hiring of school support personnel such as school-based violence interrupters, and educating students on school violence prevention. The school-based violence interrupters funded by this grant would work independently in the schools as part of a School Resource Officer co-responder model.

In order to meet the grant application deadline of May 15, 2023, CPD applied prior to receiving City Council approval. Should this Ordinance not be approved, the grant award will not be accepted.

The grant does not require local matching funds. There are no additional FTEs associated with this grant; however, 5.0 additional temporary personnel will result from this grant during the period of performance, October 1, 2023 to September 30, 2026.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, in Federal FY 2023 Preventing School Violence: STOP School Violence Program (SSVP) funds from the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.839), to develop and operate school safety strategies to improve school safety; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SSVP.

WHEREAS, there is a grant available of up to \$1,000,000 in FY 2023 Preventing School Violence: STOP School Violence Program (SSVP) funds from the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.839), to develop and operate school safety strategies to improve school safety through technology solutions, specialized training of school personnel, hiring of school support personnel such as school-based violence interrupters, and educating students on school violence prevention; and

WHEREAS, the school-based violence interrupters funded by this grant would work independently in the schools as part of a School Resource Officer co-responder model; and

WHEREAS, the grant application deadline was May 15, 2023, and the City already has applied for the grant, but no grant funds will be accepted without approval by Council; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant, however, 5.0 additional temporary personnel will result from this grant during the grant period of performance, from October 1, 2023 to September 30, 2026; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$1,000,000, effective FY 2024, in Federal FY 2023 Preventing School Violence: STOP School Violence Program (SSVP) funds from the U.S. Department of Justice, Bureau of

Justice Assistance (ALN 16.839), to develop and operate school safety strategies to improve school safety.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SSVP.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301639

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Health: Ohio Department of Health (ODH) Cities Readiness Initiative Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of \$89,695 from the Ohio Department of Health, Office of Health Preparedness (ALN 93.069) to support the planning and implementation of emergency preparedness Cities Readiness Initiative activities in Southwest Ohio from July 1, 2023 through June 30, 2024; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350, effective FY 2024.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$89,695 from the Ohio Department of Health, Office of Health Preparedness (ALN 93.069) to support the planning and implementation of emergency preparedness Cities Readiness Initiative activities in Southwest Ohio from July 1, 2023 through June 30, 2024. This Ordinance also authorizes the Finance Director to deposit the grant funds into Public Health Research Fund 350, effective FY 2024.

The City applied for this grant on March 14, 2023 and was notified that it was awarded the grant on April 17, 2023, but no grant funds will be accepted without approval by the City Council.

There are no new FTEs/full time equivalents associated with this grant and no local match is required.

Acceptance of this ordinance is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of \$89,695 from the Ohio Department of Health, Office of Health Preparedness (ALN 93.069) to support the planning and implementation of emergency preparedness Cities Readiness Initiative activities in Southwest Ohio from July 1, 2023 through June 30, 2024; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350, effective FY 2024.

WHEREAS, a grant of \$89,695 is available from the Ohio Department of Health, Office of Health Preparedness to support the planning and implementation of emergency preparedness activities; and

WHEREAS, the City applied for this grant on March 14, 2023 and was notified that it was awarded the grant on April 17, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, the grant does not require matching funds, and there are no additional FTEs/full time equivalents associated with this grant; and

WHEREAS, this ordinance is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on page 181 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant, effective FY 2024, of \$89,695 from the Ohio Department of Health, Office of Health Preparedness (ALN 93.069) to support the planning and implementation of emergency preparedness Cities Readiness Initiative activities in Southwest Ohio from July 1, 2023 through June 30, 2024.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Public Health Research Fund 350, effective FY 2024.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301640

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Health: Ohio Department of Health (ODH) Lead Exposure and Healthy Homes Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$125,000 from the Ohio Department of Health’s Lead Exposure Prevention and Healthy Homes Program, to assist with control of lead paint, dust, and soil hazards in residential properties as well as providing lead poisoning prevention education and training throughout the community; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant in an amount of up to \$125,000 from the Lead Exposure Prevention and Healthy Homes Program, funded by the Ohio Department of Health, to assist with control of lead paint, dust, and soil hazards in residential properties as well as providing lead poisoning prevention education and training throughout the community. This Ordinance also authorizes the Finance Director to deposit the grant funds into Public Health Research Fund 350.

The City applied for this grant on April 14, 2023 and was notified that it received the grant on April 28, 2023, but no grant funds will be accepted without approval by the City Council.

There are no new FTEs/full time equivalents associated with this grant and no local match is required.

Acceptance of this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$125,000 from the Ohio Department of Health’s Lead Exposure Prevention and Healthy Homes Program, to assist with control of lead paint, dust, and soil hazards in residential properties as well as providing lead poisoning prevention education and training throughout the community; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

WHEREAS, a grant is available from the Lead Exposure Prevention and Healthy Homes Program, funded by the Ohio Department of Health, in the amount of up to \$125,000 to assist with control of lead paint, dust, and soil hazards in residential properties as well as provide lead poisoning prevention education and training throughout the community; and

WHEREAS, the Lead Exposure Prevention and Healthy Homes grant will assist the Cincinnati Health Department (“CHD”) in efforts to abate lead exposure and with increasing public awareness and education to the hazards of lead-based products; and

WHEREAS, CHD applied for this grant on April 14, 2023, and was notified that it received the grant on April 28, 2023, but no grant funds will be accepted without the approval by Council; and

WHEREAS, there is no local match required, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, acceptance of this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$125,000 from the Ohio Department of Health’s Lead Exposure Prevention and Healthy Homes Program to assist with control of lead paint, dust, and soil hazards in residential properties as well as providing lead poisoning prevention education and training throughout the community.

Section 2. That the Director of Finance is authorized to deposit the funds into Public Health Research Fund 350.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301649
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Health: Ohio Department of Health (ODH) Lead-Safe Housing Fund for the Primary Prevention Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$600,000 from the Ohio Department of Health Lead-Safe Housing Fund for the Primary Prevention Grant program, which supports local communities in lead primary prevention activities; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant in an amount of up to \$600,000 from the Ohio Department of Health Lead-Safe Housing Fund for the Primary Prevention Grant program, which supports local communities in lead primary prevention activities. This Ordinance also authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

The City applied for this grant on April 28, 2023, but no grant funds will be accepted without approval by the City Council.

There are no new FTEs/full time equivalents associated with this grant and no local match is required.

Acceptance of this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$600,000 from the Ohio Department of Health Lead-Safe Housing Fund for the Primary Prevention Grant program, which supports local communities in lead primary prevention activities; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

WHEREAS, a grant of up to \$600,000 is available from the Lead-Safe Housing Fund for Primary Prevention, funded by the Ohio Department of Health, to support local communities in lead primary prevention activities; and

WHEREAS, the Lead-Safe Housing Fund for the Primary Prevention Grant will assist the Cincinnati Health Department with primary prevention strategies for abating lead poisoning throughout the City; and

WHEREAS, the City already applied for this grant on April 28, 2023, but no grant funds will be accepted without the approval of Council; and

WHEREAS, there is no local match required, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, acceptance of this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$600,000 from the Ohio Department of Health Lead-Safe Housing Fund for the Primary Prevention Grant program, which supports local communities in lead primary prevention activities.

Section 2. That the Director of Finance is authorized to deposit the funds into Public Health Research Fund revenue account no. 350x8536.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301652

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Health: Ohio Environmental Protection Agency (OEPA) Mosquito Control Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$11,770 from the Ohio Environmental Protection Agency for the purpose of providing funds to be used to investigate the prevalence of mosquito vectors and the incidence of infection in the mosquito populations, to identify density locations for mosquito vector species, and to educate communities in the immediate area on how to reduce the mosquito populations; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$11,770 from the Ohio Environmental Protection Agency (OEPA) for the purpose of providing funds to be used to investigate the prevalence of mosquito vectors and the incidence of infection in the mosquito populations, to identify density locations for mosquito vector species, and to educate communities in the immediate area on how to reduce the mosquito populations. This Ordinance also authorizes the Finance Director to deposit the grant funds into Public Health Research Fund 350.

The City applied for this grant on March 14, 2023 and was notified that it was awarded the grant on April 19, 2023, but no grant funds will be accepted without approval by the City Council.

There are no new FTEs associated with this grant and no local match is required.

Acceptance of the OEPA’s Mosquito Control Grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate, effective FY 2024, a grant of up to \$11,770 from the Ohio Environmental Protection Agency for the purpose of providing funds to be used to investigate the prevalence of mosquito vectors and the incidence of infection in the mosquito populations, to identify density locations for mosquito vector species, and to educate communities in the immediate area on how to reduce the mosquito populations; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

WHEREAS, a grant is available from the Ohio Environmental Protection Agency (“OEPA”), and funding from the OEPA’s Mosquito Control Grant will assist the City with investigating the prevalence of mosquito vectors and the incidence of infection in the mosquito populations, identifying density locations for mosquito vector species, and educating local communities on how to reduce the mosquito populations; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline was March 14, 2023 and the City has already applied for the grant, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of the OEPA’s Mosquito Control Grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate, effective FY 2024, a grant in an amount up to \$11,770 from the Ohio Environmental Protection Agency for the purpose of providing funds to be used to investigate the prevalence of mosquito vectors and the incidence of infection in the mosquito populations, to identify density locations for mosquito vector species, and to educate communities in the immediate area on how to reduce the mosquito populations.

Section 2. That Council hereby authorizes the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301642

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – OES: USDA Compost & Food Waste Reduction Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting food waste from landfills and creating compost.

Approval of this Ordinance authorizes the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting food waste from landfills and creating compost.

This grant requires matching resources in an amount of up to \$100,000 which are anticipated to be provided from resources currently available in existing capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF.” No new FTEs/full time equivalents are required, but temporary personnel may be utilized.

The grant application deadline is on June 15, 2023, and the City may apply for the grant prior to receiving approval from the City Council. However, no funds will be accepted without City Council approval.

Diverting food waste from landfills and creating compost is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-185 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting food waste from landfills and creating compost.

WHEREAS, a grant of up to \$400,000 is available from the United States Department of Agriculture through the Compost & Food Waste Reduction Grant Program (ALN 10.935); and

WHEREAS, the grant will provide resources to divert food waste from landfills and create compost; and

WHEREAS, matching resources of up to \$100,000 are anticipated to be provided from resources currently available in existing capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF”; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant, but temporary personnel may be utilized; and

WHEREAS, the grant application deadline is June 15, 2023, and the City may apply for the grant prior to receiving approval from Council, but no funds will be accepted without Council approval; and

WHEREAS, diverting food waste from landfills and creating compost is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-185 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting food waste from landfills and creating compost.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023
202301648

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – OES: DOE Energy Efficiency and Conservation Block Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$334,440 from the United States Department of Energy through the Energy Efficiency and Conservation Block Grant Program (ALN 81.128) to Environment and Sustainability Fund 436 to develop and implement energy efficiency and conservation programs at City facilities; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Environment and Sustainability Fund revenue account no. 436x8543.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$334,440 from the United States Department of Energy (DOE) through the Energy Efficiency and Conservation Block Grant (EECBG) Program (ALN 81.128) to Environment and Sustainability Fund 436 to develop and implement energy efficiency and conservation programs at City facilities. This Emergency Ordinance also authorizes the Director of Finance to deposit the grant funds into Environment and Sustainability Fund revenue account no. 436x8543.

This grant does not require a local match or new FTEs/full time equivalents. However, the Office of Environment and Sustainability (OES) may use grant resources to fund one new FTE for the duration of the grant. OES has already applied for the grant, but no grant resources will be accepted without City Council approval.

Acceptance of the Energy Efficiency and Conservation Block Grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181 – 186 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and appropriate grant funds to develop and implement energy efficiency and conservation programs at City facilities in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

LES

- 2023

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$334,440 from the United States Department of Energy through the Energy Efficiency and Conservation Block Grant Program (ALN 81.128) to Environment and Sustainability Fund 436 to develop and implement energy efficiency and conservation programs at City facilities; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Environment and Sustainability Fund revenue account no. 436x8543.

WHEREAS, a grant of up to \$334,440 is available from the United States Department of Energy through the Energy Efficiency and Conservation Block Grant Program (ALN 81.128) to develop and implement energy efficiency and conservation programs at City facilities; and

WHEREAS, this grant requires no local match; and

WHEREAS, this grant does not require new FTEs/full time equivalents, but the Office of Environment and Sustainability may use grant resources to fund one new FTE for the duration of the grant; and

WHEREAS, the City already has applied for the grant, but no grant funds will be accepted without Council approval; and

WHEREAS, acceptance of this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181 – 186 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant, effective FY 2024, of up to \$334,440 from the United States Department of Energy through the Energy Efficiency and Conservation Block Grant Program (ALN 81.128) to Environment and Sustainability Fund 436 to develop and implement energy efficiency and conservation programs at City facilities.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Environment and Sustainability Fund revenue account no. 436x8543.

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Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of this grant and Sections 1 and 2.

Section 4. That Sections 1 and 2 shall become effective July 1, 2023.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and appropriate grant funds to develop and implement energy efficiency and conservation programs at City facilities in a timely manner.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023
202301654

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – OES: USDOT Charging and Fueling Infrastructure Discretionary Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$1,500,000 from the United States Department of Transportation (“USDOT”) through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to provide resources to install electric vehicle charging infrastructure at City-owned properties located in USDOT Transportation Disadvantaged Census Tracts.

Approval of this Ordinance authorizes the City Manager to apply for a grant of up to \$1,500,000 from the United States Department of Transportation (“USDOT”) through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to provide resources to install electric vehicle charging infrastructure at City-owned properties located in USDOT Transportation Disadvantaged Census Tracts.

This grant requires a twenty percent match, and the City intends to partner with a company identified through the City’s Public Electric Vehicle Charging Infrastructure Request for Proposal (RFP) process (RFP1064OESEVCHRGINFR) to provide matching resources. There are no new FTEs/full time equivalents associated with this grant.

The grant application deadline is June 13, 2023, and the City has already applied for the grant. However, no funds will be accepted without City Council approval.

Applying for the Charging and Fueling Infrastructure Discretionary Grant is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design and implement a safe and sustainable transportation system” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager to apply for a grant of up to \$1,500,000 from the United States Department of Transportation (“USDOT”) through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to provide resources to install electric vehicle charging infrastructure at City-owned properties located in USDOT Transportation Disadvantaged Census Tracts.

WHEREAS, a grant of up to \$1,500,000 is available from the United States Department of Transportation (“USDOT”) through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205); and

WHEREAS, the grant will provide resources to install electric vehicle charging infrastructure at City-owned properties located in USDOT Transportation Disadvantaged Census Tracts; and

WHEREAS, this grant requires a twenty percent match, and the City intends to partner with a company identified through the City’s Public Electric Vehicle Charging Infrastructure Request for Proposal process (RFP1064OESEVCHRGINFR) to provide matching resources; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline is June 13, 2023, and the City has already applied for the grant, but no funds will be accepted without Council approval; and

WHEREAS, applying for the Charging and Fueling Infrastructure Discretionary Grant is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design and implement a safe and sustainable transportation system” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for a grant of up to \$1,500,000 from the United States Department of Transportation (“USDOT”) through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to provide resources to install electric vehicle charging infrastructure at City-owned properties located in USDOT Transportation Disadvantaged Census Tracts.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of the grant and Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council

202301667

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DCED: Medpace Way and Red Bank Expressway Infrastructure Improvements Grant

Attached is an Emergency Ordinance captioned:

ESTABLISHING capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources of up to \$125,000 from the State of Ohio, Department of Transportation (ODOT) Office of Jobs and Commerce to capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant.”

Approval of this Emergency Ordinance will authorize the establishment of capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way. Additionally, the Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate grant resources of up to \$125,000 from the State of Ohio, Department of Transportation (ODOT) Office of Jobs and Commerce to newly created capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way on the west side of the Medpace Campus. Finally, the Emergency Ordinance authorizes the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant.”

On February 8, 2023, the City Council approved Ordinance No. 0040-2023, which authorized the City Manager to apply for, accept, and appropriate grant resources up to \$200,000 from the State of Ohio Department of Development 629 Roadwork Program to capital improvement program project account no. 980x164x231638, "Medpace ODOD 629 Roadwork Program - Grant".

The improvements planned at the intersection of Red Bank Expressway and Medpace Way are needed for the safety of the users who access the campus from Red Bank

Expressway and to improve traffic flow resulting from the anticipated addition of 1,500 new jobs at the Medpace Campus.

The improvements for the intersection include a new traffic signal, signal heads, poles, control cabinet, wiring, and other related improvements. The roadway improvements include new pavement markings, adjustment of the existing elevated medians to allow for proper vehicle movement, and additional items such as new traffic-related street signage.

Infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way are in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” as described on pages 103-113 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to meet deadlines required by the grant.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

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- 2023

ESTABLISHING capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources of up to \$125,000 from the State of Ohio, Department of Transportation (ODOT) Office of Jobs and Commerce to capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant.”

WHEREAS, infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way are needed for the safety of existing users accessing the campus from Red Bank Expressway and to improve the traffic flow resulting from the anticipated addition of 1,500 new jobs at the Medpace Campus; and

WHEREAS, the improvements for the three leg “Tee” intersection, which include a new traffic signal, signal heads, poles, control cabinet, wiring, and related improvements, fit within the existing roadway cross section and therefore require limited roadwork; and

WHEREAS, the roadway improvements include new pavement markings, adjustment of the existing elevated medians to allow for proper vehicle movement, and additional improvements such as new traffic-related street signage; and

WHEREAS, on February 8, 2023, Council approved Ordinance No. 40-2023, which authorized the City Manager to apply for, accept, and appropriate grant resources of up to \$200,000 from the State of Ohio Department of Development 629 Roadwork Program to capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program - Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; and

WHEREAS, authorization is now required to apply for, accept, and appropriate additional grant resources of up to \$125,000 from the State of Ohio, Department of Transportation (ODOT) Office of Jobs and Commerce for the project; and

WHEREAS, the grant does not require matching funds, and there are no additional FTEs/full time equivalents associated with this grant; and

WHEREAS, the infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way are in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” as described on pages 103-113 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Director of Finance is authorized to establish capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

Section 2. That the City Manager is authorized to apply for, accept, and appropriate grant resources of up to \$125,000 from the State of Ohio, Department of Transportation (ODOT) Office of Jobs and Commerce to capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant,” to provide resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

Section 3. That the Director of Finance is authorized to deposit the grant resources into capital improvement program project account no. 980x164x231640, “Medpace ODOT Jobs and Commerce – Grant.”

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 through 3.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to meet deadlines required by the grant.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023
202301668

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – ETS: State of Ohio Tech Grant

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate grant resources of up to \$4,000, effective FY 2024, from the State of Ohio, Department of Development’s TechCred Credential Reimbursement Program to Enterprise Technology Solutions non-personnel operating budget account 050x091x7200 for eligible costs to certify two Enterprise Technology Solutions (ETS) staff members as OnBase System Administrators; and **AUTHORIZING** the Director of Finance to deposit the grant funds into General Fund revenue account no. 050x8539.

Approval of this Emergency Ordinance authorizes the City Manager to apply for accept, and appropriate up to \$4,000 in grant resources from the State of Ohio, Department of Development (ODOD)’s TechCred Credential Reimbursement Program to Enterprise Technology Solutions (ETS) non-personnel operating budget account no. 050x091x7200 to certify two ETS staff members as OnBase System Administrators. Additionally, the Emergency Ordinance authorizes the Director of Finance to deposit the grant funds into General Fund revenue account no. 050x8539.

The TechCred Credential Reimbursement Program is designed to elevate the skills of Ohio’s workforce by reimbursing employers for costs associated with employees’ acquiring technology-focused, industry-recognized credentials requiring one year or less to complete using external training providers.

Accepting grant resources to cover the cost to certify staff members as OnBase System Administrators is in accordance with the “Sustain” goal to “[s]pend public funds more strategically,” as described on pages 202-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to meet deadlines required by the grant.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

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AUTHORIZING the City Manager to apply for, accept, and appropriate grant resources of up to \$4,000, effective FY 2024, from the State of Ohio, Department of Development’s TechCred Credential Reimbursement Program to Enterprise Technology Solutions non-personnel operating budget account 050x091x7200 for eligible costs to certify two Enterprise Technology Solutions (ETS) staff members as OnBase System Administrators; and **AUTHORIZING** the Director of Finance to deposit the grant funds into General Fund revenue account no. 050x8539.

WHEREAS, the TechCred Credential Reimbursement Program (“TechCred”) has been designed to elevate the skills of Ohio’s workforce by reimbursing employers for costs associated with employees’ acquiring technology-focused, industry-recognized credentials requiring one year or less to complete using external training providers; and

WHEREAS, TechCred reimburses employers for a portion of the cost of the credential program for employees, while limiting the maximum reimbursement provided by the program per credential; and

WHEREAS, the City is requesting reimbursement from TechCred of up to \$4,000 for eligible costs incurred to certify two Enterprise Technology Solutions (ETS) staff members as OnBase System Administrators; and

WHEREAS, the City uses OnBase to automate workflows and processes to increase efficiency; and

WHEREAS, acceptance of this grant requires no matching funds, and no FTEs/full time equivalents are associated with this grant; and

WHEREAS, accepting grant resources to cover the cost to certify staff members as OnBase System Administrators is in accordance with the “Sustain” goal to “[s]pend public funds more strategically,” as described on pages 202-205 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to apply for, accept, and appropriate grant resources of up to \$4,000, effective FY 2024, from the State of Ohio, Department of Development’s TechCred Credential Reimbursement Program to Enterprise Technology Solutions

non-personnel operating budget account 050x091x7200 for eligible costs to certify two Enterprise Technology Solutions (ETS) staff members as OnBase System Administrators.

Section 2. That the Director of Finance is authorized to deposit the grant funds into General Fund revenue account no. 050x8539.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That Sections 1 and 2 shall become effective as of July 1, 2023.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to meet deadlines required by the grant.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



June 14, 2023

To: Mayor and Members of City Council 202301647
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – CRC: Cincinnati Recreation Foundation Summer Camp Scholarship Donation

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation in the amount of \$35,367.38 from the Cincinnati Recreation Foundation to fund scholarships for participants enrolled in the Cincinnati Recreation Commission’s summer day camp between June 1, 2022 and August 12, 2022; and **AUTHORIZING** the Director of Finance to deposit the donated resources into Recreation Special Activities Fund 323 revenue account no. 323x8571.

Approval of this Emergency Ordinance would authorize the City Manager to accept and appropriate a donation in the amount of \$35,367.38 from the Cincinnati Recreation Foundation to fund scholarships for participants enrolled in Cincinnati Recreation Commission summer day camp programming between June 1, 2022 and August 12, 2022. This Emergency Ordinance further authorizes the Finance Director to deposit the donated funds into Recreation Special Activities Fund 323 revenue account no. 323x8571.

The Cincinnati Recreation Foundation offered to donate \$35,367.38 to cover the cost of scholarships for 72 children who attended Cincinnati Recreation Commission summer day camp programming between the dates of June 1, 2022 and August 12, 2022. There are no new FTEs/full time equivalents or matching funds associated with this donation.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the donation within Fiscal Year 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

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AUTHORIZING the City Manager to accept and appropriate a donation in the amount of \$35,367.38 from the Cincinnati Recreation Foundation to fund scholarships for participants enrolled in the Cincinnati Recreation Commission’s summer day camp between June 1, 2022 and August 12, 2022; and **AUTHORIZING** the Director of Finance to deposit the donated resources into Recreation Special Activities Fund 323 revenue account no. 323x8571.

WHEREAS, the Cincinnati Recreation Foundation has graciously offered to donate \$35,367.38 to cover the cost of scholarships for 72 children who attended the Cincinnati Recreation Commission’s summer day camp programming between the dates of June 1, 2022, and August 12, 2022; and

WHEREAS, acceptance of this donation requires no matching funds, and no FTEs/full time equivalents are associated with the donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation in the amount of \$35,367.38 from the Cincinnati Recreation Foundation to fund scholarships to participants enrolled in the Cincinnati Recreation Commission’s summer day camp between June 1, 2022 and August 12, 2022.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into Recreation Special Activities Fund 323 revenue account no. 323x8571.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the donation within Fiscal Year 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301656

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Cincinnati Recreation Commission (CRC):
Summer Monetary and In-Kind Donations**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept in-kind donations and contributions of supplies and professional services from the Cincinnati Recreation Foundation valued at approximately \$56,500 for use at various recreation facilities and events; **AUTHORIZING** the City Manager to accept in-kind donations of a park bench and plaque from the South Cumminsville Community Council valued at \$500 for installation at Wayne Field and Playground; **AUTHORIZING** the City Manager to accept in-kind donations of garden fencing, shed equipment, and other landscaping materials and labor from the Bond Hill Community Council valued at approximately \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area; **AUTHORIZING** the City Manager to accept and appropriate a monetary donation of \$35,000 from the Avondale Development Corporation and Fifth Third Bank to provide resources for Hirsch Recreation Center Summer Day Camp programming; **AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources to provide resources for summer programming, including day camps, aquatics programming, and Youth to Work celebrations; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Emergency Ordinance authorizes the City Manager to accept in-kind donations and contributions of supplies and professional services from the Cincinnati Recreation Foundation valued at approximately \$56,500 for use at various recreation facilities and events. Additionally, the Emergency Ordinance authorizes the City Manager to accept in-kind donations of a park bench and plaque from the South Cumminsville Community Council valued at \$500 for installation at Wayne Field and Playground. The Emergency Ordinance further authorizes the City Manager to accept in-kind donations of garden fencing, shed equipment, and other landscaping materials and labor from the Bond Hill Community Council valued at approximately \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area. This Emergency Ordinance also authorizes the City Manager to accept and appropriate a monetary donation of \$35,000 from the Avondale Development Corporation and Fifth Third Bank to provide resources for Hirsch Recreation Center Summer Day Camp programming.

The Emergency Ordinance further authorizes the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources to provide resources for summer programming, including day camps, aquatics programming, and Youth to Work celebrations. Finally, this Emergency Ordinance authorizes the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

The Cincinnati Recreation Foundation is providing \$56,500 worth of in-kind donations. These donations include goods and professional services valued at \$30,000 necessary for basketball court installation and court designs at Laurel Park, which is made possible by a grant opportunity from the Smith League. In addition, swimming pool equipment and apparel valued at \$17,000 is being donated for use at City aquatics facilities. Finally, gift cards and other items valued at \$9,500 are provided for prizes and giveaways at the Youth to Work celebration.

The South Cumminsville Community Council intends to donate a park bench and plaque valued at \$500 for installation at Wayne Field and Playground.

The Bond Hill Community Council is donating gardening fencing, shed equipment, and other landscaping materials and labor valued at up to \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area.

The Avondale Development Corporation and Fifth Third Bank intend to donate \$35,000 to provide resources for Hirsch Recreation Center Summer Day Camp programming. The donation will be used to offset costs associated with the Summer Day Camp programming including staffing, field trips, transportation, and supplies.

There are no new FTEs/full time equivalents or matching funds associated with the acceptance of these donations.

Acceptance of in-kind donations and contributions to benefit various City recreation facilities and events is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the donations within Fiscal Year 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

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AUTHORIZING the City Manager to accept in-kind donations and contributions of supplies and professional services from the Cincinnati Recreation Foundation valued at approximately \$56,500 for use at various recreation facilities and events; **AUTHORIZING** the City Manager to accept in-kind donations of a park bench and plaque from the South Cumminsville Community Council valued at \$500 for installation at Wayne Field and Playground; **AUTHORIZING** the City Manager to accept in-kind donations of garden fencing, shed equipment, and other landscaping materials and labor from the Bond Hill Community Council valued at approximately \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area; **AUTHORIZING** the City Manager to accept and appropriate a monetary donation of \$35,000 from the Avondale Development Corporation and Fifth Third Bank to provide resources for Hirsch Recreation Center Summer Day Camp programming; **AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources to provide resources for summer programming, including day camps, aquatics programming, and Youth to Work celebrations; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

WHEREAS, the Cincinnati Recreation Foundation intends to donate supplies and professional services valued at approximately \$56,500 to the City of Cincinnati for use at various recreation facilities and events; and

WHEREAS, the South Cumminsville Community Council intends to donate a park bench and plaque valued at \$500 for installation at Wayne Field and Playground; and

WHEREAS, the Bond Hill Community Council intends to donate garden fencing, shed equipment, and other landscaping materials and labor valued at approximately \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area; and

WHEREAS, the Avondale Development Corporation and Fifth Third Bank intend to donate \$35,000 to offset costs associated with the Hirsch Recreation Center Summer Day Camp programming, including staffing, field trips, transportation, and supplies; and

WHEREAS, the Cincinnati Recreation Commission's staff intends to solicit the local business community, individual benefactors, and other appropriate sources for monetary donations and in-kind contributions to provide resources for summer programming, including day camps, aquatics programming, and Youth to Work celebrations; and

WHEREAS, there are no matching funds required to accept these donations, and there are no new FTEs/full time equivalents associated with these donations; and

WHEREAS, acceptance of in-kind donations and contributions to benefit various City recreation facilities and events is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to accept in-kind donations from the Cincinnati Parks Foundation of supplies and professional services valued at approximately \$56,500 for use at various recreation facilities and events.

Section 2. That the City Manager is authorized to accept in-kind donations from the South Cumminsville Community Council of a park bench and plaque valued at \$500 for installation at Wayne Field and Playground.

Section 3. That the City Manager is authorized to accept in-kind donations from the Bond Hill Community Council of garden fencing, shed equipment, and other landscaping materials and labor valued at approximately \$12,000 to provide an enclosed community garden at the Bond Hill Recreation Area.

Section 4. That the City Manager is authorized to accept and appropriate a monetary donation of \$35,000 from the Avondale Development Corporation and Fifth Third Bank to provide resources for Hirsch Recreation Center Summer Day Camp programming.

Section 5. That the City Manager is authorized to solicit and accept in-kind and monetary donations from the local business community, individual benefactors, and other appropriate sources to provide resources for summer programming, including day camps, aquatics programming, and Youth to Work celebrations.

Section 6. That the Director of Finance is hereby authorized to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Section 7. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 6.

Section 8. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the donations within Fiscal Year 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council 202301657
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – CRC: Cincinnati Reds Community Fund In-Kind Donation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services provided by the Cincinnati Reds Community Fund, valued at approximately \$40,000, for the purpose of a Community Makeover revitalization of the Cincinnati Recreation Commission’s Bramble sports field and recreation area.

Approval of this Emergency Ordinance will authorize the City Manager to accept an in-kind donation of goods and professional services from the Cincinnati Reds Community Fund valued at approximately \$40,000 for the purpose of a Community Makeover revitalization of the Cincinnati Recreation Commission’s Bramble sports field and recreation area.

The Cincinnati Reds Community Fund (RCF) and the Cincinnati Recreation Commission have worked together cooperatively for several years to provide youth and adult leagues with the best baseball and softball experience possible. RCF has generously offered to donate construction materials, goods, labor, and professional services to revitalize the Bramble sports field and recreation area in the Madisonville neighborhood.

There are no new FTEs/full time equivalents or matching funds associated with the donation.

Acceptance of this in-kind donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-211 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the donation within Fiscal Year 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment





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An Ordinance No. _____ - 2023

AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services provided by the Cincinnati Reds Community Fund, valued at approximately \$40,000, for the purpose of a Community Makeover revitalization of the Cincinnati Recreation Commission’s Bramble sports field and recreation area.

WHEREAS, the Cincinnati Recreation Commission and the Cincinnati Reds Community Fund (“RCF”) have been working cooperatively for several years to provide area youth and adult leagues the best baseball and softball experience possible; and

WHEREAS, RCF is providing an in-kind donation of construction materials, goods, labor, and professional services valued at approximately \$40,000 to revitalize the Bramble sports field and recreation area in Madisonville; and

WHEREAS, RCF’s donation will bring together resources of the RCF and Proctor & Gamble to enhance the experience of area baseball and softball teams and positively impact the Madisonville neighborhood; and

WHEREAS, the donation does not require matching funds, and there are no additional FTEs/full time equivalents associated with this donation; and

WHEREAS, acceptance of this in-kind donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-211 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to accept an in-kind donation of goods and professional services provided by the Cincinnati Reds Community Fund, valued at approximately \$40,000, for the purpose of a Community Makeover revitalization of the Cincinnati Recreation Commission’s Bramble sports field and recreation area.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the donation and Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the donation within Fiscal Year 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301658

**Subject: Emergency Ordinance – Parks: Park Board Commissioners’ Fund
Monetary Donation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation totaling \$600,000 from the Cincinnati Park Board Commissioners’ Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory’s gift shop inventory, and other vital costs associated with running the City’s parks; and **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowment and Donations Fund 430.

Approval of this Emergency Ordinance will authorize the City Manager to accept and appropriate a donation totaling \$600,000 from the Cincinnati Park Board Commissioners’ Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory’s gift shop inventory, and other vital costs associated with running the City’s parks. This Emergency Ordinance would also authorize the Finance Director to deposit the funds into Parks Private Endowment and Donations Fund 430.

The Cincinnati Park Board Commissioners’ Fund consists of resources received from endowments and donations from various entities to support the Cincinnati Park Board. This donation requires no matching funds. There are no new FTEs/full time equivalents associated with the donation.

Acceptance of this donation is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” and strategy to “[p]rotect our natural resources” as well as the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 193-196 and 207-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to use these resources in FY 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

KKF

- 2023

AUTHORIZING the City Manager to accept and appropriate a donation totaling \$600,000 from the Cincinnati Park Board Commissioners' Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory's gift shop inventory, and other vital costs associated with running the City's parks; and **AUTHORIZING** the Finance Director to deposit the resources into Parks Private Endowment and Donations Fund 430.

WHEREAS, the Park Board Commissioners' Fund consists of resources received from endowments and donations from various entities to support the Cincinnati Park Board; and

WHEREAS, acceptance of a donation totaling \$600,000 from the Park Board Commissioners' Fund will enable the Cincinnati Parks Department to purchase horticultural supplies, execute maintenance contracts, provide salary reimbursements, acquire Krohn Conservatory's gift shop inventory, and provide resources for other vital costs associated with running the City's parks; and

WHEREAS, the Cincinnati Board of Park Commissioners approved the use of \$600,000 and requested the distribution of the resources from the Park Board Commissioners' Fund; and

WHEREAS, there are no matching fund requirements or additional FTEs/full time equivalents associated with the acceptance of this donation; and

WHEREAS, the acceptance of the donation is in accordance with the "Sustain" goal to "[p]reserve our natural and built environment" and strategy to "[p]rotect our natural resources" as well as the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities" as described on pages 193-196 and 207-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation totaling \$600,000 from the Cincinnati Park Board Commissioners' Fund for the purpose of providing resources for horticultural supplies, maintenance contracts, salary reimbursements, Krohn Conservatory's gift shop inventory, and other vital costs associated with running the City's parks.

Section 2. That the Finance Director is hereby authorized to deposit the donation of \$600,000 into Parks Private Endowment and Donations Fund 430.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to use these resources in FY 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 20, 2023

To: Members of the Budget and Finance Committee

202301753

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – CMO: AFSCME Donation for Swimwear

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation, effective FY 2024, of up to \$5,000 from the American Federation of State, County and Municipal Employees (AFSCME) Council 8 Local 1543 to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7300 to provide resources for swimwear, sandals, and aquatics equipment for children in need at Cincinnati Recreation Commission aquatic facilities; and **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

This Emergency Ordinance authorizes the City Manager to accept and appropriate a donation, effective FY 2024, of up to \$5,000 from the American Federation of State, County and Municipal Employees (AFSCME) Council 8 Local 1543 to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7300 to provide resources for swimwear, sandals, and aquatics equipment for children in need at Cincinnati Recreation Commission (CRC) aquatic facilities. This Emergency Ordinance also authorizes the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

There are no matching funds required to accept this donation, and there are no FTEs/full time equivalents associated with this donation.

Acceptance of this donation to provide resources for swimwear, sandals, and aquatics equipment for children in need at CRC aquatic facilities is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and appropriate the donation to provide resources for swimwear, sandals, and aquatics equipment as soon as possible during the 2023 CRC aquatic facilities operating season.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

LES

- 2023

AUTHORIZING the City Manager to accept and appropriate a donation, effective FY 2024, of up to \$5,000 from the American Federation of State, County and Municipal Employees (AFSCME) Council 8 Local 1543 to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7300 to provide resources for swimwear, sandals, and aquatics equipment for children in need at Cincinnati Recreation Commission aquatic facilities; and **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

WHEREAS, the American Federation of State, County and Municipal Employees (AFSCME) Council 8 Local 1543 intends to donate up to \$5,000 to provide resources for swimwear, sandals, and aquatics equipment for children in need at Cincinnati Recreation Commission (“CRC”) aquatic facilities; and

WHEREAS, there are no matching funds required to accept this donation, and there are no FTEs/full time equivalents associated with this donation; and

WHEREAS, acceptance of this donation to provide resources for swimwear, sandals, and aquatics equipment for children in need at CRC aquatic facilities is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to accept and appropriate a donation, effective FY 2024, of up to \$5,000 from the American Federation of State, County and Municipal Employees (AFSCME) Council 8 Local 1543 to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7300 to provide resources for swimwear, sandals, and aquatics equipment for children in need at Cincinnati Recreation Commission aquatic facilities.

Section 2. That the Director of Finance is authorized to deposit the donated funds into General Fund revenue account no. 050x8571.

{00385242-4}

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and appropriate the donation to provide resources for swimwear, sandals, and aquatics equipment as soon as possible during the 2023 CRC aquatic facilities operating season.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



June 20, 2023

To: Members of the Budget and Finance Committee

202301752

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – CRC: 3 on 3 Basketball Tournament Donations

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money, sponsorships, in-kind contributions, team registration fees, vendor fees, and other things of value from the Cincinnati business community, individual benefactors, and other appropriate sources to provide resources to support the annual 3 on 3 Basketball Tournament; and **AUTHORIZING** the Director of Finance to deposit the resources donated to or generated by the event into Fund No. 319, “Contributions for Recreation Purposes.”

This Emergency Ordinance authorizes the City Manager and employees of the Cincinnati Recreation Commission (CRC) to solicit and accept donations of money, sponsorships, in-kind contributions, team registration fees, vendor fees, and other things of value from the Cincinnati business community, individual benefactors, and other appropriate sources to provide resources to support the annual 3 on 3 Basketball Tournament. This Emergency Ordinance also authorizes the Director of Finance to deposit the resources donated to or generated by the event into Fund No. 319, “Contributions for Recreation Purposes.”

The 2023 3 on 3 Basketball Tournament will be hosted by the City and the CRC in partnership with Big City Ticket, LLC aka Hoop It Up on August 5, 2023. The 3 on 3 Basketball Tournament will allow the City and CRC the opportunity to engage youth and adults by providing recreation and access to community resources to support and foster continued community development through a one-day basketball event.

The 3 on 3 Basketball Tournament is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept donations in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

CNS

-2023

AUTHORIZING the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept donations of money, sponsorships, in-kind contributions, team registration fees, vendor fees, and other things of value from the Cincinnati business community, individual benefactors, and other appropriate sources to provide resources to support the annual 3 on 3 Basketball Tournament; and **AUTHORIZING** the Director of Finance to deposit the resources donated to or generated by the event into Fund No. 319, “Contributions for Recreation Purposes.”

WHEREAS, the 2023 3 on 3 Basketball Tournament will be hosted by the City and the Cincinnati Recreation Commission (“CRC”) in partnership with Big City Ticket, LLC aka Hoop It Up on August 5, 2023; and

WHEREAS, the 3 on 3 Basketball Tournament will allow the City and CRC the opportunity to engage youth and adults by providing recreation and access to community resources to support and foster continued community development through a one-day basketball event for youth and adults; and

WHEREAS, only donated non-City resources may be used for awards or cash prizes associated with the 3 on 3 Basketball Tournament; and

WHEREAS, the 3 on 3 Basketball Tournament is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager and employees of the Cincinnati Recreation Commission are authorized to solicit and accept donations of money, sponsorships, in-kind contributions, team registration fees, vendor fees, and other things of value from the Cincinnati business community, individual benefactors, and other appropriate sources to provide resources to support the 3 on 3 Basketball Tournament.

Section 2. That the Director of Finance is authorized to deposit the resources donated to or generated by the event into Fund No. 319, “Contributions for Recreation Purposes.”

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of Section 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept donations in a timely manner.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

To: Mayor and Members of City Council

202301636

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance: Authorizing the City Manager to establish a Cincinnati Police Department Referral Bonus program

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to establish a Cincinnati Police Department Referral Bonus program, providing individuals with a bonus of up to \$1,000 per referral under criteria established by the City Manager to ensure consistency and prevent abuse, to recruit and retain qualified employees to the position of Police Recruit within the Cincinnati Police Department.

Approval of this Emergency Ordinance authorizes the Cincinnati Police Department (CPD) to establish a Referral Bonus to recruit qualified employees to the position of Police Recruit.

The Referral Bonus provides an opportunity for CPD to remain competitive in the job market and incentivize employees to refer qualified employees to the position of Police Recruit.

The reason for the emergency is the immediate need to establish a referral bonus in order to recruit qualified employees and assist with staffing levels at the Cincinnati Police Department.

The Administration recommends passage of this Emergency Ordinance.

cc: Latisha Hazell, Interim Human Resources Director

EMERGENCY

MSS

-2023

AUTHORIZING the City Manager to establish a Cincinnati Police Department Referral Bonus program, providing individuals with a bonus of up to \$1,000 per referral under criteria established by the City Manager to ensure consistency and prevent abuse, to recruit and retain qualified employees to the position of Police Recruit within the Cincinnati Police Department.

WHEREAS, the Cincinnati Police Department (“CPD”) employs personnel under the classification of Police Recruit who, upon completion of the recruit class, will be promoted to the position of Police Officer and will provide services to protect life and property, prevent crime, enforce laws and ordinances, arrest violators, make forcible arrests when necessary, investigate accidents and complaints, secure evidence, and preserve the peace within an assigned beat (geographical unit) within the City of Cincinnati (“City”); and

WHEREAS, a referral bonus is needed to attract and retain Police Recruits to enhance safety in the City because of a significant decrease in the number of applicants for the position of Police Recruit in recent years; and

WHEREAS, the Police Recruit Referral Bonus program is necessary for CPD to remain competitive in the current labor market and attract and retain Police Recruits within the Police Academy; and

WHEREAS, this program would enable an individual to receive a referral bonus of up to \$1,000 per referral in accordance with criteria established by the City Manager to ensure consistency and prevent abuse; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City Manager is authorized to establish a Cincinnati Police Department Referral Bonus program providing referral bonuses of up to \$1,000 for each referral of a qualified person for the position of Police Recruit, with criteria established by the City Manager to ensure consistency and prevent abuse, to bolster the number of qualified individuals who are recruited and hired as Police Recruits within the Cincinnati Police Department.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to establish the referral program to recruit qualified Police Recruits.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 14, 2023

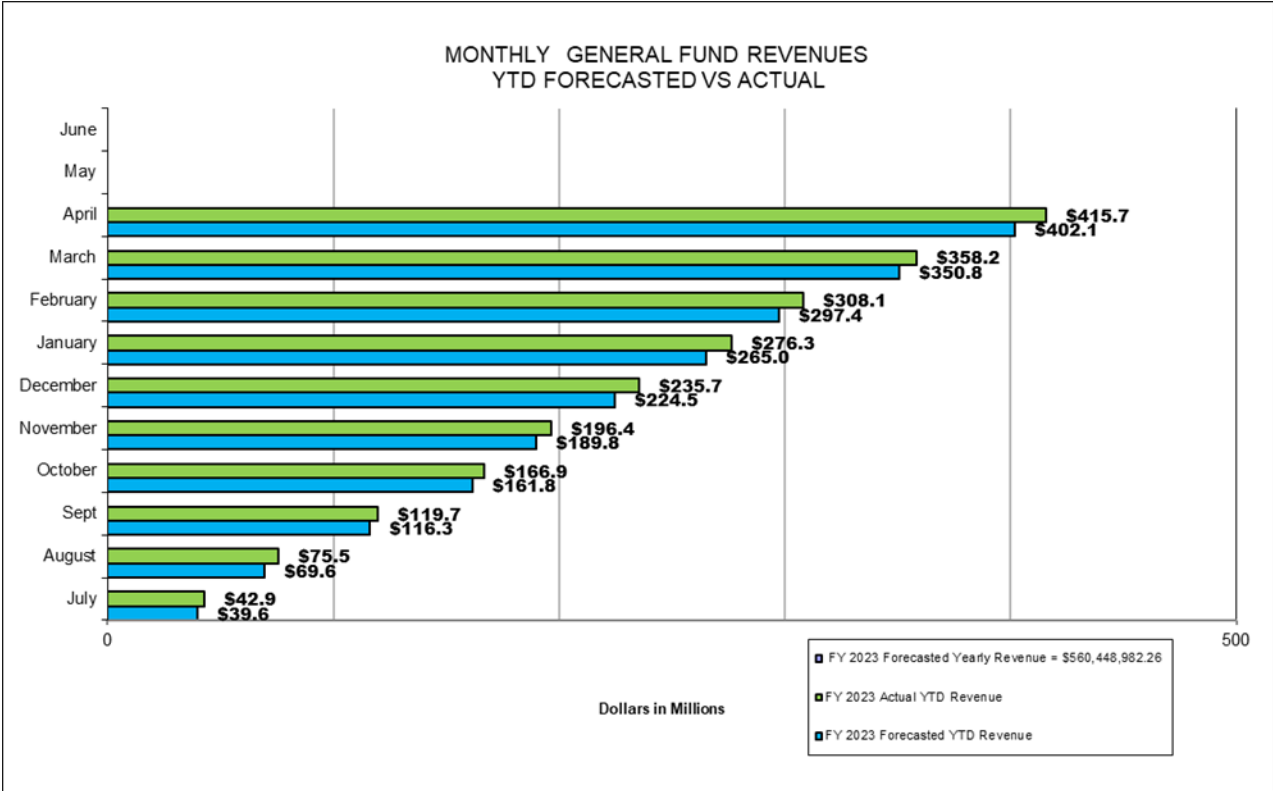
TO: Mayor and Members of City Council
FROM: Sheryl M.M. Long, City Manager
SUBJECT: Department of Finance Reports for the Month Ended April 30, 2023

APRIL 2023
MONTHLY FINANCIAL REPORTS

The following report provides an update on the City of Cincinnati’s financial condition as of the month ending April 30, 2023. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue vs. forecasted revenue and prior year actual revenue vs. current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through April 30, 2023 and shows that actual revenue of \$415.7 million was above forecasted revenue of \$402.1 million by \$13.6 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$1,308,879)
City Income Tax	9,148,296	
Admissions Tax	1,815,106	
Short Term Rental Excise Tax	679,635	
Licenses & Permits	1,097,774	
Fines, Forfeitures, & Penalties		(\$897,063)
Investment Income	2,748,273	
Local Government		(\$371,860)
Casino	768,817	
Police	593,615	
Buildings and Inspections		(\$88,463)
Fire	717,330	
Parking Meter	500	
Other		(\$1,309,076)
	17,569,346	(\$3,975,340)
Difference	13,594,006	

General Fund (favorable variance) is \$13.6 million above the amount forecasted thru April in the FY 2023 Budget. This is the tenth month's report for the fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

Property Tax (unfavorable variance) is \$1.3 million below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in May.

Income Tax (favorable variance) is \$9.1 million above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Finance Department will continue to watch the trends, including those related to remote work, very closely.

Admission Tax (favorable variance) is \$1.8 million above estimate. Many estimates were set at pre-pandemic levels; however, businesses have rebounded stronger than expected.

Short Term Rental (favorable variance) is \$680k above the forecasted amount. The variance is attributed to large one-time events, like Blink and a month-long running of Hamilton, as well as increased attendance at the Bengals games. These events have brought more people to our area to visit, in turn in need of a place to stay.

Licenses and Permits (favorable variance) is \$1.1 million above estimate. The State of Ohio is clearing backlog in Beer and Liquor License collections experienced during the pandemic which is contributing to the positive variance in this category. We are also seeing an increase in Commercial Solid Waste revenue as a result of the efforts of OES in expanding this program.

Fines, Forfeitures and Penalties (unfavorable variance) is \$897k below the forecasted amount. There was a prior year adjustment from parking fine revenue to the Streetcar Fund causing the negative variance. The one-time adjustment will keep this category below its current year estimate but will not affect future years.

Investment Income (favorable variance) is \$2.7 million above estimate. This is a result of better interest rates and the utilization of an additional investment manager yielding results above our projections. The market is volatile right now with the banking crisis so Finance will keep an eye on the rates going forward this Fiscal Year.

Casino (favorable variance) is \$769k above the forecasted amount. Estimates were increased above pre pandemic levels; however, gambling revenues statewide are stronger than expected.

Fire (favorable variance) is \$717k above the forecasted amount. There has been an increase in Basic Life Support runs contributing to the increased revenue.

Other (unfavorable variance) is \$1.3 million below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. The Finance Department will continue to monitor these various revenue sources.

Restricted Funds:

Parking Garages (favorable variance) is up \$978k. The estimate was very conservative this year as the decline from the pandemic is still lingering in this category. We are monitoring how many companies are bringing their employees back to the office and utilizing the lots and garages.

Municipal Golf (favorable variance) is \$4.5 million above estimate. Rates were increased midyear and new technology at one of the courses is adding to the variance. Finance will adjust the estimates in the next fiscal year to consider these additions. Favorable Spring weather is also contributing to higher revenue. April was a record month for the fund.

Parking Meter (unfavorable variance) is \$1.1 million below estimate. Even with a reduction in the current year's estimate from last year, there is still less demand leading to a negative variance.

Sawyer Point (unfavorable variance) is down \$253k. This variance is partly due to a large concert cancellation at the beginning of the fiscal year and less demand for parking at the riverfront.

Submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue (Actual, Forecast and Prior Year) as of April 30, 2023.
2. Audit of the City Treasurer's Report for the month ended March 31, 2023.
3. Statement of Balances in the various funds as of April 30, 2023.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

c: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director



Seth Walsh
Councilmember

Motion

WE MOVE, that the administration prepare a report updating council on the Neighborhood VTICA program providing us with projected funding per neighborhood as it currently stands and the projected amount of funding over the span of the existing agreements. We would ask that the report also include recommendations on potential options that would allow for the Neighborhood VTICA to expand opportunities to all our neighborhood such as the legality and feasibility of changing the current 7.5% Neighborhood VTICA currently returning to the neighborhood it is generated in to a larger pot of money for all neighborhoods. We ask that the report be done during summer recess with completion aimed at September 4th, 2023.